



*Home of the Tualatin River National Wildlife Refuge*

# **Planning Commission Meeting Packet**

**FOR**

**Tuesday, October 8, 2013  
At 7 PM**

**Sherwood City Hall  
22560 SW Pine Street  
Sherwood, Oregon**



City of Sherwood  
PLANNING COMMISSION  
Sherwood City Hall  
22560 SW Pine Street  
Sherwood, OR 97140  
October 8, 2013 – 7PM

## **AGENDA**

### **1. Call to Order/Roll Call**

### **2. Agenda Review**

### **3. Consent Agenda:**

**a. August 27, 2013 Planning Commission Minutes**

**b. September 10, 2013 Planning Commission Work Session Minutes**

### **4. Council Liaison Announcements (Mayor Middleton)**

### **5. Staff Announcements (Brad Kilby)**

### **6. Community Comments**

### **7. New Business**

**a. Public Hearing - 16045 SW 2nd Street Old Town Overlay (LA 13-01)** (Michelle Miller)

The applicant has proposed to construct a single family home on a vacant lot and proposes a reduction in the front yard setback to 15 feet to accommodate a covered front porch. Since it is located in Old Town, it requires a hearing and review by the Planning Commission.

**b. Public Hearing – Community Center Major Site Plan Modification (SP 13-02)** (Brad Kilby)

The Community Center was initially approved as a redesign/repurpose of the Machine Shop Building. (SP 12-01). Due to the demolition of the machine shop located at this location, this site plan approval will need to be modified. The application under consideration is a Major Site Plan Modification to approved site plan SP 12-01 to allow a new design for the Sherwood Community Center and a request for a Class A variance for a reduction in the required amount of window coverage on one side of the building. This development is located within the Sherwood Cannery Square PUD (PUD 09-01).

### **8. Adjourn**

# **Consent Agenda**

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City of Sherwood, Oregon  
Planning Commission  
Meeting Minutes  
August 27, 2013

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**Planning Commission Members Present:**    **Staff Present:**

Chair Jean Simson

Vice Chair James Copfer

Commissioner Michael Cary

Commissioner John Clifford

Commissioner Russell Griffin

Julia Hajduk, Community Development Director

Mark Daniel, Police Captain

Brad Kilby, Planning Manager

Kirsten Allen, Planning Dept. Program Coordinator

**Planning Commission Members Absent:**

Commissioner Beth Cooke

Commissioner Lisa Walker

**Council Liaison:**

Mayor Bill Middleton

**Legal Counsel:**

Chad Jacobs

**1. Call to Order/Roll Call**

Chair Jean Simson called the meeting to order at 7:00 pm.

**2. Agenda Review**

The agenda consisted of the Consent Agenda, Council Liaison Announcements, Staff Announcements, Community Comments and the continuation of the Public Hearing for PA 13-01 Sherwood Town Center Comprehensive Plan Amendments.

**3. Consent Agenda:**

**a. August 13, 2013 Planning Commission Minutes**

**Motion: From Vice Chair James Copfer to accept the minutes. Seconded by Commissioner John Clifford. All Commissioners present voted in favor (Commissioners Cary, Cooke and Walker were absent, Chair Simson abstained).**

**4. Council Liaison Announcements**

Mayor Middleton informed the Commission that the City Council would be acting on the VLDR PUD Text amendment forwarded by the Planning Commission at the next City Council meeting and said the Council had received a presentation from Washington County regarding the Tualatin Sherwood Road project at their last meeting. Mayor Middleton commented that there will be more information on active transportation due to new Metro requirements and said the SW Corridor Plan will soon be forwarded to the Commission.

**5. Staff Announcements**

Brad Kilby, Planning Manager reminded the Commissioners to sign up for Planning Commissioner training. He informed the Commission that the Land Use Board of Appeals (LUBA) had dismissed the Aleali v. City of Sherwood appeal regarding the Langer Farms Phase 7 and that the City Council had approved putting an annexation of 97.5 acres in the Brookman Road area on the November ballot.

Brad said that Tri-Met will re-establish Line 93 to Sherwood between Sherwood and Tigard transit Center. He commented that the next Planning Commission meeting would be a work session to kick off the Transportation System Plan (TSP) update on September 10, 2013 and said legal briefs regarding the recent Supreme Court: Koontz decision was available for Commission members who wanted to look at them.

Note: Commissioner Cary arrived at 7: 05pm.

**6. Community Comments**

**Eugene Stewart**, PO Box 534, Sherwood commented that the traffic study for the Langer Farms project indicated that the worst case traffic scenario was a weekday. He said the study showed that 5% of the traffic on Tualatin Sherwood Road was truck traffic, but Washington County indicated that truck traffic accounted for 10%. Mr. Stewart commented that previous TSP studies showed the highest volume of traffic occurs on weekends from people going to the coast and commented that there should be a highway to allow traffic to get through Sherwood in order to make it easier for everyone. Mr. Stewart commented on traffic during different times of the day and traffic on Roy Rogers Road and Sherwood Blvd, expressing his concern that the City's engineers are constrained by the money that the County and State are willing to spend. Mr. Stewart remarked that traffic count records are not kept and suggested there will be trouble with the traffic regarding Langer Farms project.

Chair Simson commented that Mr. Stewart's comments were timely, considering work that is beginning on the TSP.

**7. Old Business**

**a. Public Hearing - PA 13-01 Sherwood Town Center Comprehensive Plan Amendments**

Chair Simson stated that because the hearing was a continuation from the last meeting the full disclosure statement would not be read and asked for ex parte contact or other disclosures.

Chair Simson declared that she had been contacted personally by Ty Wyman, an attorney representing the Regency Center, who approached her with concerns that Washington County is proposing the removal of the light near the property on Tualatin Sherwood Road. She said she was unable to answer Mr. Wyman's questions, but had attended the City Council meeting were Washington County presented their plans. Chair Simson said the County indicated that they would keep a pedestrian light at a minimum.

Chair Simson summarized the previous meeting and indicated that the record had been left open to accept further testimony, but it was limited to the adjacent property issue. She said that there was written testimony received from Phil Grillo of Davis, Wright, Tremaine.

Community Development Director, Julia Hajduk, commented that there was also a letter from the Washington County's Director of Land Use and Transportation, Andrew Singleakis regarding the proposed changes to the Town Center Plan (see record, Exhibit 1). Julia reminded the Commission that the packet included revisions to the policies and strategies with the red verbiage being direction from the Planning Commission on August 13, 2013 and the green verbiage came from a discussion with Phil Grillo to address the adjacent property concerns. Julia suggested that the discussion should be regarding those changes.

Chair Simson reminded everyone that the Planning Commission was making a recommendation to the City Council and that the City Council would hold a de novo hearing where the Council would review the Plan in its entirety and would be accepting public comments on any concerns.

Chair Simson opened the public testimony for those who wished to speak regarding the adjacent property issue.

**Phil Grillo**, 1300 SW 5<sup>th</sup> Avenue, Portland, representing TakFal Properties, commented regarding the letter submitted in the Planning Commission packet by him supporting proposed language. He said in Policy 5 the phrase "and government agencies" was added to make it clear that the City would be encouraging investment that supports a Town Center vision and explained that Strategy 7.6 was to add more focus on the Cinema Center and other adjacent areas. Mr. Grillo said they chose to be balanced and definitive in their suggested language and commented that Strategy 8.4 was added to call out the importance of enhancing vehicular and pedestrian access and for all stakeholders to work towards those ends. He said he hoped that the Planning Commission would support the proposed language.

Mr. Grillo commented on the letter received from Washington County and said the county was objecting to the proposed amendments that regard development outside of the Town Center Plan boundaries because they would have to do additional traffic studies. Mr. Grillo commented that a traffic study was not needed for collaboration and both of the [strategies] were about working together and having plans that provide a balanced approach to mobility in the area; not about moving traffic through at the expenses of everything else. He said the proposed language did not require a certain outcome, but something the City should be using its discretion on. "It's the County's street, but your town", he said. Mr. Grillo pointed out that traffic studies for the Town Center looked at a broader area and included more than the areas inside the Town Center boundaries.

**Nancy Taylor**, from Sherwood, commented that she would like to see changes on Tualatin Sherwood Road and was opposed to proposed changes that prefer new development over old

development. She said she believed the *town center* was Old Town and suggested that the three areas defined in the Plan should make it easier for everyone and not just new development. Ms. Taylor said that Washington County and the State of Oregon run traffic studies and they appear flawed, not scientific. She said the studies seemed biased, rather than reasonable.

With no further testimony, Chair Simson closed the public hearing and asked if staff had any comments.

Julia reminded the Commission and the audience that at the previous public hearing the Commission took public testimony on all issues and that the Commission wanted more information on an issue regarding adjacent properties to the Plan. She said the Commission provided direction on all other elements of the Plan and that was why the testimony focused on the adjacent issue and the track changes in the packet.

Chair Simson commented that staff had provided what the Commission had requested and asked for any concerns or comments regarding the language in red. None were received.

Chair Simson referred to the three areas mentioned by Mr. Grillo; Policy 5, 7.6 and 8.4. Julia added that there were other locations in the plan that referenced areas *adjacent to* in Policies 6, 6.2, 8.2 and 8.3. Chair Simson asked for any concerns regarding the *adjacent to* wording. None were received.

Chair Simson explained her experience with code clean up in the past and suggested that references to specific commercial development sites be removed. She suggested that on Strategy 8.4 the words “such as the Sherwood Cinema Center and other adjacent facilities” be removed. Discussion followed.

Commissioner Michael Cary commented that if specific developments are mentioned it may leave other developments behind.

Vice Chair Copfer said he did not think removing the verbiage would detract from the point of bringing in adjacent areas.

With no further comments or objections the verbiage was removed.

Chair Simson suggested new language for Strategy 7.6 that said “The City will support collaborative solutions that enhance access and improved safety for all modes of transportation within and into the Town Center”.

Commissioner John Clifford asked about including pedestrians. Discussion followed with Chair Simson asserting that by not calling out vehicles or pedestrians the Commission was indicating that part of the Town Center goal was to create a vibrant Town Center and the City should be enhancing all modes of transportation.

Commissioner Russell Griffin suggested that a reference to pedestrians should be added for clarification.

Commissioner Cary commented that when people think of transportation they don't consider walking and he would keep the pedestrian part in.

Chair Simson changed the language to read "The City will support collaborative solutions that enhance access and improved safety for pedestrian and all modes of transportation within and into the Town Center". She remarked that she wanted it to be clear that it wasn't just about the commercial district, but that there were opportunities in Old Town for other modes of transportation.

Commissioner Cary asked about having *and adjacent to* in the strategy. Discussion followed with Chair Simson stating that the overarching policy contains *and adjacent to*.

Vice Chair Copfer commented that all of the policies included *adjacent to* verbiage. Commissioner Cary agreed and said that it was placed consistently throughout the document.

Chair Simson added "adjacent to" to strategy 7.6.

Commissioner Griffin asked staff if Washington County's letter should be discussed in light of the changes the Commission just made.

Julia responded that it was provided as a public comment, that it did not require discussion, but it could be discussed if the Commission wanted to consider the Washington County letter in the recommendation.

Commissioner Griffin commented that with the additional language and the edits made by the Commission the language is not too specific to create difficulty now or in the future. He said the Commission was saying that the City wants to make it easy to get in and out of the Town Center and anyone adjacent to making changes would be considered by the Commission.

Vice Chair Copfer said he understood Washington County's view and said he felt it was important to provide something for existing, long term developments and keep the *adjacent to* in.

Commissioner Clifford stated that he agreed and it was important to recognize established businesses because they have become part of our community. There was a general consensus throughout the Commission that the letter from the County has been addressed.

Chair Simson commended staff stating that the Town Center Plan document had changed due to community comments, citizen involvement and work session input into a document that will help the Planning Commission and the City Council make decisions that will benefit everybody. She asked for direction from staff regarding the wording of the motion and the following motion was received.

**Motion: From Vice Chair James Copfer for the Planning Commission to forward a recommendation of approval to the City Council for PA 13-01 Sherwood Town Center Comprehensive Plan Amendment and Sherwood Town Center Plan with the changes documented and discussed at our previous Planning Commission meeting on August 13th as well as the changes discussed in tonight's Commission meeting based on applicant testimony, analysis, and conditions . Seconded by Commissioner Russell Griffin. All Commissioners present voted in favor (Commissioners Cooke and Walker were absent).**

Julia commented that the public should be commended and that PA 13-01 would not be what it was without public and Commission's participation and involvement. She informed the Commission that the City Council will hold a public hearing for PA 13-01 on September 17, 2013.

## **8. Adjourn**

Submitted by:

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Kirsten Allen  
Planning Department Program Coordinator

Approval Date: \_\_\_\_\_

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City of Sherwood, Oregon  
Planning Commission  
Work Session Meeting Minutes  
September 10, 2013

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**Planning Commission Members Present:**

Chair Jean Simson  
Commissioner Michael Cary  
Commissioner John Clifford  
Commissioner Beth Cooke  
Commissioner Russell Griffin  
Commissioner Lisa Walker

**Staff Present:**

Brad Kilby, Planning Manager  
Bob Galati, City Engineer  
Mark Daniel, Police Captain  
Kirsten Allen, Planning Dept. Program Coordinator

**Planning Commission Members Absent:**

Vice Chair James Copfer

**Council Members Present:**

Mayor Bill Middleton  
Councilor Matt Langer

**Legal Counsel:**

None

Chair Simson called the meeting to order at 6:08 pm.

Brad Kilby, Planning Manager informed the Commission that (PA 12-04) VLDR PUD Text Amendment had been adopted by the City Council and reminded them of the upcoming seminars available for Planning Commissioner training.

Mayor Middleton said the city would begin work on some clean up and additions for a City Charter update for the election in June 2014 and one member from each of the City commissions, typically the chair, would be on the committee. Mayor Middleton invited the Planning Commissioners to the Town Center Council work session on September 17, 2013 at 6pm.

**1. Sherwood Transportation System Plan Update**

City Engineer Bob Galati explained that the City had received a Transportation Growth Management grant for the Transportation System Plan (TSP) update. He said it would not be a full “remodel” of the plan, but a focused update of certain portions and would include amendments to the plan since the last TSP was adopted. Bob said the City is looking for ten citizens to join the Citizen’s Advisory Committee. For more information go to the City website and look for the project page on the [Transportation System Plan Citizen Advisory Committee](#) .

Bob introduced Chris Maciejewski from DKS Associates and turned the time over to him.

Mr. Maciejewski gave a presentation regarding Transportation System Planning (see record, Exhibit 1) and introduced Darci Rudzinski of Angelo Planning Group who will be supporting

the process with code review and implementation. Discussion followed including public outreach, congestion, the Capacity Allocation Program (CAP) with staff being directed to do the following:

- Provide examples of jurisdictions that measure traffic in end to end time
- Provide level of service definitions
- Make the reasonable funding plan amount available to the Commission based on past projects

Chair Simson adjourned the meeting at 8:01 pm.

Submitted by:

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Kirsten Allen  
Planning Department Program Coordinator

Approval Date: \_\_\_\_\_

# **New Business Agenda**

## **Item A**

CITY OF SHERWOOD  
Staff Report

October 1, 2013  
File No: LA 13-01

**Second Street Old Town Overlay**

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**TO: Planning Commission**

Pre-App. Meeting: August 5, 2013  
App. Submitted: September 11, 2013  
App. Complete: September 12, 2013  
Hearing Date: October 8, 2013  
120 Day Deadline: January 30, 2014

From:



Michelle Miller, AICP  
Senior Planner

**Proposal:** The applicant proposes construction of a single-family dwelling unit with application of the infill standards for the front yard setback to accommodate a front porch. The property is zoned Medium Density Residential Low (MDRL), and is located in the Smockville area of the Sherwood Old Town Overlay. The applicant's submittal materials are attached to this report as Exhibit A.

**I. BACKGROUND**

**Applicant/Owner:** C & L Properties LLC  
207 SW Santa Fe Terrace  
Sherwood OR 97140

**Contact:** Larry Wright

- B. Location: 2S132BB tax lot 1700
- C. Parcel Size: Tax lot 1700 is 10,000 square feet in size. There are two individual lots, each approximately 5,000 sq. ft.
- D. Existing Development and Site Characteristics: The site is flat and currently vacant.
- E. Site History: The site is currently vacant but at one time had a house on it that had been demolished or destroyed. In review of the records, there is no information concerning the date of the demolition, but an aerial photo from 1951 shows a house on the property.
- F. Zoning Classification and Comprehensive Plan Designation: The subject property is zoned MDRL and Retail Commercial (RC) within the Smockville area of the Old Town Overlay zone, a

designated historic district which seeks to preserve and enhance the area's commercial viability and historic character.

- G. Adjacent Zoning and Land Use: The subject property is adjacent to residentially zoned and developed properties to the north and west, zoned MDRL. The property to the east is zoned RC.
- H. Review Type: The property is within Sherwood Old Town Overlay. As such, the application is subject to a Type IV review, which requires review and approval by the Planning Commission after conducting a public hearing. An appeal would be heard by the Sherwood City Council.
- I. Public Notice and Hearing: This application was processed consistent with the standards in effect at the time it was submitted. A neighborhood meeting was held on July 22, 2013 at the subject site in downtown Sherwood. The neighborhood meeting was attended by the several neighborhood property owners and residents.

Notice of the application was mailed to property owners within 1,000 feet of the subject property and posted on the property and in five locations throughout the City on September 17, 2013 in accordance with Section 16.72.020 of the SZCDC. The notice was published in the Gazette (a paper of general circulation) on October 1, 2013 and again on October 3, 2013 in accordance with Section 16.72.020 of the SZCDC.

- J. Review Criteria: Sherwood Zoning and Community Development Code, 16.22 (Use Districts – RC); 16.00 (Infill); 16.162 (Old Town Overlay District), and where applicable 16.168 (Landmark Alteration).

## **II. PUBLIC COMMENTS**

Public notice was mailed and posted on the property in five locations throughout the City on September 17, 2013. Staff received no public comments as of the date of this report. However, comments are accepted until the Planning Commission closes the public hearing.

## **III. AGENCY COMMENTS**

Staff sent e-notice to affected agencies on September 16, 2013. The following is a summary of the comment received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department: provided comments that are attached as Exhibit B.

## **V. APPLICABLE CODE PROVISIONS**

The applicable zoning district standards are identified in Chapter 16.12 below.

### **A. Division II– Land Use and Development**

#### **§ 16.12.010. - Purpose and Density Requirements**

#### **C. Medium Density Residential Low (MDRL)**

The MDRL zoning district provides for single-family housing and other related uses with a density of to dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirement.

**FINDING:** The applicant proposes a single family home, which is exempt from the density requirements. This provision is not applicable.

**16.12.020. - Allowed Residential Land Uses**  
**A. Residential Land Uses**

Single family homes are permitted in the MDRL.

**FINDING:** Single-Family attached or detached dwellings are a permitted use in this zone. The applicant has indicated that he intends to construct a single-family home as part of this development, which is allowed outright in the zone.

**16.12.030 - Residential Land Use Development Standards**

**A. Generally**

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Variance and Adjustments)

**B. Development Standards**

Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 (Wetland, Habitat and Natural Areas) Chapter 16.44 (Townhomes), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.

**MEDIUM DENSITY RESIDENTIAL LOW STANDARDS**

<b>1.</b>	<b>Lot area:</b>	<b>5,000 sq ft</b>
<b>2.</b>	<b>Lot width at front property line:</b>	<b>25 feet</b>
<b>3.</b>	<b>Lot width at building line</b>	<b>60 ft</b>

The applicant proposes to construct the home on one existing lot with the dimensions of approximately 100 by 50 feet. The lot width at the front property line is 50 feet. The parcel will be 5017 square feet which meets the standard for lot area.

**FINDING:** Based on the above discussion the applicant meets the criteria with respect to lot area and lot width at front property line.

**MEDIUM DENSITY RESIDENTIAL LOW SETBACK REQUIREMENTS**

- 1. Front yard:      Twenty (20) feet**
- 2. Side yard:        Five (5) feet**

**3. Rear yard: Twenty (20) feet**

The applicant proposes a reduction in the front yard setback that will be discussed under the infill standards. All other setbacks will be reviewed during the plot plan review process.

**FINDING:** Based on the above discussion, the applicant meets this criterion.

**16.12.050.C. Height**

**Except as otherwise provided, the maximum height shall be two (2) stories or thirty (30) feet, whichever is less.**

**FINDING:** The submitted plans show that the house is two stories and under 30 feet. Therefore, this standard is met.

**16.58.010 Clear Vision Areas**

**A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.**

**A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.**

**A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2-1/2) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground.**

**The following requirements shall govern clear vision areas:**

**A. In a residential zone, the minimum distance shall be thirty (30) feet, or at intersections including an alley, ten (10) feet.**

**B. In commercial and industrial zones, the minimum distance shall be fifteen (15) feet, or at intersections including an alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.**

**C. Where no yards are required, buildings may be constructed within the clear vision area.**

The parcels are not located near an intersection. The driveway will be located in the rear and have access at the alley. The plans do not show any impediment to the clear vision area.

**FINDING:** Based on the above discussion, this standard is met.

**16.68.020 - Lot Sizes and Dimensions for Infill**

The Approval Authority may approve modifications to the minimum lot size and/or lot dimensions of this Code for residential developments containing less than five (5) acres (i.e., is not otherwise eligible for a Planned Unit Development), subject to all of the following requirements:

**A. Lot area may be reduced below the minimum standard of the applicable zoning district through the land division or lot line adjustment process. Lot area may be reduced below the minimum standard of the applicable zoning district through the land division or lot line adjustment process when the Approval Authority finds:**

**1. The resulting lot size(s) and dimensions are not less than eighty-five percent (85%) of the standard minimum lot area of the zone; and**

The applicant proposes to meet the requirements of the minimum lot size along with the setback requirements for property zoned MDRL. The applicant proposes to meet the minimum lot size requirements of 5000 sq. ft. The resulting lot sizes are not less than 85% of the standard minimum lot area of the zone and the other setback requirements will be reviewed during the building permit approval process

**FINDING:** Based on the above discussion the applicant meets this criterion.

**2. The resulting average lot size of the development (partition or subdivision) shall be no less than the minimum lot size of the zone in which it is located; the resulting density shall be no more than the allowable density of the zone. Areas reserved as open space, such as central greens, plaza, and other common open space may be counted toward the average lot size and density of the development when such areas are centrally located and accessible to every lot in the development; and;**

**FINDING:** The applicant is proposing to construct the home on a pre-existing lot, and thus this criterion is not applicable.

**3. The reduction in lot size and/or dimensions shall not be detrimental to any designated natural feature; the Approval Authority may require mitigation to protect and enhance such features, as applicable; and**

**FINDING:** There are no natural features on the site and applicant is not proposing a reduction in lot area and thus this criterion is not applicable.

**4. All required local street connections, pedestrian access ways, utility easements, emergency access, and other Code requirements are met; the Approval Authority may require shared driveways (i.e., for two dwellings) for paired lots that individually have less than 40 feet of street frontage, except where driveway access is provided from an alley; and**

**FINDING:** The parcel will have access to an alley and all of the other code criterion will be met or conditioned further within this report.

**5. The land division shall be conditioned, and a deed restriction recorded on each lot that contains less than the minimum lot size of the zone, requiring that building elevations and floor plans be submitted to the Planning Department for review and approval prior to issuance of a building permit on such lot,**

and such plans be binding on future building. Building plans required under this section shall meet the following standards as provided in Section 16.68.040

- a. Floor area ratio
- b. Side setback plane; and
- c. Garage orientation and design standards

**FINDING:** The applicant is not proposing a reduction in minimum lot size area and thus this criterion is not applicable.

**6. The land division shall be conditioned, and a deed restriction shall be recorded on each lot that contains less than the minimum lot size of the zone, requiring that a landscape plan be submitted to the Planning Department for review and approval prior to issuance of a building permit on such lot. Landscape plans required under this section shall provide plant materials and irrigation that are equal to or better than those existing residential landscapes in the vicinity. The Approval Authority may consider plant species, quantity/volume of plant material, irrigation, slope, aspect, soil, and other relevant factors in determining the adequacy of landscape plans and in requiring additional landscaping**

**FINDING:** The applicant is not proposing a reduction in lot area and thus this criterion is not applicable.

**B. Lot dimension(s) may be reduced below the minimum standards of the applicable zoning district through the land division or lot line adjustment process provided that the development conforms to Section 16.68.020A, above, and all other applicable Code requirements are met.**

The applicant is proposing a front setback of 15 feet, which is below the standard 20 feet required for standard MDRL properties. The applicant proposes to construct a front porch in the front yard that will add interest to design and be in conformance with the intention of the Old Town Overlay standards. The purpose of infill is to mitigate the development of larger lots within existing neighborhoods so that the form and function of the development is more compatible with existing development patterns. The applicant can feasibly conform to all other dimensional requirements for the zone. This is the only infill standard that the applicant has sought a reduction from the minimum standard.

**FINDING:** Based on the above discussion, the applicant meets this criterion.

#### **16.68.030 - Building Design on Infill Lots**

**Structures exceeding twenty four (24) feet in height shall conform to the following standards:**

**A. Floor Area: Floor area in any dwelling with a height greater than twenty four (24) feet shall not exceed the following floor area ratios, except that the first 200 square feet of floor area in a detached garage or other accessory structure shall be exempt, when the accessory structure is located behind a single family dwelling (dwelling is between accessory structure and abutting street), the lot is not a through lot, and the accessory structure does not exceed a height of eighteen (18) feet. Floor area shall not exceed 55% of the lot area:**

**FINDING:** The height of the dwelling is 24 feet and therefore this standard is not applicable..

**B. Interior Side Setback and Side Yard Plane. When a structure exceed twenty four (24) feet in height:**

- 1. The minimum interior side setback is five (5) feet, provided that elevations or portions of elevations exceeding twenty four (24) feet in height shall be setback from interior property line(s) an additional one-half (½) foot for every one (1) foot in height over twenty four (24) feet (see example below); and**

The applicant has submitted building elevations that show the height of the home to be 27 feet at the highest portion of the roof. Under Chapter 16.10, the building height is the average height of the highest gable of a pitched or hipped roof. Per the building plans, this building's average roof height is just under 24 feet.

**FINDING:** Based on the above discussion, this standard is not applicable and no reduced setbacks are required.

- 2. All interior side elevations exceeding twenty four (24) feet in height shall be divided into smaller areas or planes to minimize the appearance of bulk to properties abutting the side elevation: When the side elevation of such a structure is more than 750 square feet in area, the elevation shall be divided into distinct planes of 750 square feet or less. For the purposes of this standard, a distinct plane is an elevation or a portion of an elevation that is separated from other wall planes, resulting in a recessed or projecting section of the structure that projects or recedes at least two (2) feet from the adjacent plane, for a length of at least six (6) feet. The maximum side yard plane may be increased by ten percent (10%) for every additional five (5) feet of side yard setback provided beyond the five (5) foot minimum.**

The applicant has submitted building elevations that show the building height of the home to be 24 feet.

**FINDING:** Based on the above discussion, this standard is not applicable.

**C. Garage Orientation. On lots with a minimum width of sixty (60) feet or less, the garage shall meet the following orientation and design standards:**

- 1. The garage shall not be located closer to the street than the dwelling, unless the combined width of garage opening(s) does not exceed fifty percent (50%) of the total width of the front (street-facing) elevation. For the purpose of meeting this standard, the exterior wall of at least one room of habitable space, which may include habitable space above the garage, shall be located closer to the street than the garage door. Any garage opening width beyond fifty percent (50%) standard shall be set back at least (2) feet further from the front property line than the facade of the other garage volume. Alternatively, and subject to the Approval Authority's approval, the front elevation may incorporate a decorative trellis, pergola or other architectural feature that provides a shadow line giving the perception that the garage opening is recessed;**
- 2. The standard in subsection c.1. above, does not apply where the average slope of a parcel of a lot exceeds twenty percent (20%) where the garage is proposed to be set back at least**

forty (40) feet from the public right-of-way, or where the garage is to be accessed from an alley;

**3. When the side or rear elevation of a front-loading garage is exposed to the street or an abutting property, such elevation(s) shall have more than one plane (offset or projection of 2 feet or more) or shall have window area equal to at least ten percent (10%) of the exposed garage wall.**

The applicant is proposing an alley-facing garage in the backyard that will have access to the alley.

**FINDING:** Based on the above discussion, this criterion has been met.

#### **16.68.040 - Height**

**The maximum heights specified in the underlying zone shall be the maximum height for any infill development.**

**FINDING:** The applicant has submitted plans showing the height of the building to be 24 feet. Therefore, this criterion is met.

#### **16.68.050 - Yard Requirements for Infill Development**

**The Approval Authority may approve modifications to the minimum yard dimensions of this Code for residential developments containing less than five (5) acres (i.e., is not otherwise eligible for a Planned Unit Development), subject to all of the following requirements:**

**A. Side and/or rear yard(s) may be reduced below the minimum standard of the applicable zoning district when the Approval Authority finds:**

**1. The resulting yard(s) is/are not less than eighty-five percent (85%) of the standard of the zone; and**

**2. Where a side or rear yard abuts another residential property outside the subject development, it shall not be reduced to less than eighty five percent (85%) of the abutting yard dimension, except where the yard of the abutting property is less than the minimum standard of the zone, in which case a reduction equal to the yard of the abutting property may be permitted. In no case shall a yard of less than five (5) feet be permitted unless the structure is approved as a zero-lot line or common wall dwelling; and**

**FINDING:** The applicant is not proposing a reduction in side or rear yard setback standards and thus this criterion is not applicable.

**3. The reduction in yard dimension shall not be detrimental to any designated natural feature; the Approval Authority may require mitigation to protect and enhance such features, as applicable; and**

**4. All required local street connections, pedestrian access ways, utility easements, emergency access, and other Code requirements are met.**

**FINDING:** The applicant proposes to connect to the local street, install, and construct sidewalks, curbs and a planter strip. This criterion is met.

**B. Front yards may be reduced below the minimum standard of the applicable zoning district when the Approval Authority finds:**

- 1. The front yard is reduced by no more than six (6) feet; and**
- 2. All garage openings are setback twenty (20) feet or more from all street rights-of-way.**
- 3. The reduction is to accommodate an unenclosed front porch; or**
- 4. The reduction is necessary to protect natural features on or adjacent to the subject lot; or**
- 5. The reduction allows for greater separation or buffering between infill development and existing residential uses(s) at lower densities (or larger lot sizes).**

The applicant proposes a reduction in the front yard setback of five feet. The garage will be located in the back and away from the street. The reduction is to accommodate an unenclosed front porch.

**FINDING:** Based on the above discussion the applicant meets this criterion.

**C. Rear lots, also known as flag lots, are those that have less than twenty five (25) feet of street frontage, are oriented with their buildable area (flag) behind another lot that has standard street frontage, and receives access from a narrow strip of land (flag pole). The Approval Authority may approve a rear lot only upon finding that it has sufficient lot area after excluding the access drive (easement, tract, or flag pole), it meets emergency access and circulation requirements, and side lot lines adjacent to the access drive have adequate landscape buffering in accordance with Section 16.58.020D. Where two rear lots are proposed contiguous to one another, the Approval Authority may require the two lots share a common access and driveway to reduce the number of curb cuts and turning movement conflicts and to minimize impervious surfaces.**

**FINDING:** The applicant is not proposing a flag lot and thus this standard is not applicable.

**D. In approving reductions to yard dimensions, the Approval Authority must find that the provisions of Sections 16.68.030 through 16.68.050, and all other applicable Code requirements, are met.**

**FINDING:** The applicant proposes to reduce the front yard setback. This is the only standard to be reduced. As discussed earlier, all other applicable Code Requirements are met or will be verified at the time of building permit approval. This criterion is met.

**B. Division IX – Historic Resources  
The applicable provisions of Division IX include:**

**16.162 Old Town Overlay District (OT)**

**16.162.060 Dimensional Standards**

In the OT overlay zone, the dimensional standards of the underlying RC, HDR and MDRL zones shall apply, with the following exceptions:

- A. Lot Dimensions - Minimum lot area (RC zoned property only): Twenty-five hundred (2,500) square feet.**

The applicant proposes a 5,017 square foot lot. The MDRL zone requires a 5,000 sq. foot minimum lot size.

**FINDING:** Based on the above discussion, this criterion is met.

- B. Setbacks – Minimum yards (RC zoned property only): None, including structures adjoining a residential zone, provided that Uniform Building Code, Fire District regulations, and the site design standards of this Code, not otherwise varied by this Chapter, are met.**

The applicant proposes to meet the setback requirements with exception to the front yard setback to accommodate the front porch. The reduced setback is discussed earlier within this report.

**FINDING:** Based on the above discussion, the applicant meets this criterion.

- C. Height - The purpose of this standard is to encourage 2 to 4 story mixed-use buildings in the Old Town area consistent with a traditional building type of ground floor active uses with housing or office uses above.**

Except as provided in Section 16.162.080, subsection C below, the maximum height of structures in RC zoned property shall be forty (40) feet (3 stories) in the "Smockville Area" and fifty (50) feet (4 stories) in the "Old Cannery Area". Limitations in the RC zone to the height of commercial structures adjoining residential zones, and allowances for additional building height as a conditional use, shall not apply in the OT overlay zone. However, five foot height bonuses are allowed under strict conditions. Chimneys, solar and wind energy devices, radio and TV antennas, and similar devices may exceed height limitations in the OT overlay zone by ten (10) feet.

**Minimum height: A principal building in the RC and HDR zones must be at least sixteen (16) feet in height. (Ord. 2006-009 § 2)**

**FINDING:** As discussed earlier within this report, the dwelling is 24 feet and thus meets this criterion.

#### **16.162.070 - Community Design**

**Standards relating to off-street parking and loading, environmental resources, landscaping, historic resources, access and egress, signs, parks and open space, on-site storage, and site design as per Divisions V, VIII and this Division shall apply, in addition to the Old Town design standards below:**

**A. Generally**

**In reviewing site plans, as required by Chapter 16.90, the City shall utilize the design standards of Section 16.162.080 for the "Old Cannery Area" and the "Smockville Design Standards" for all proposals in that portion of the Old Town District.**

**B. Landscaping for Residential Structures**

**1. Perimeter screening and buffering, as per Section 16.92.030, is not required for approved home occupations.**

**2. Minimum landscaped areas are not required for off-street parking for approved home occupations.**

**3. Landscaped strips, as per Sections 16.92.030 and 16.142.030A, may be a minimum of five (5) feet in width, except when adjoining alleys, where landscaped strips are not required.**

**4. Fencing and interior landscaping, as per Section 16.92.030, are not required.**

The applicant proposes a six-foot fence which is in compliance with the provisions of Chapter 16. 58, (Clear Vision and Fence Standards). The applicant has not proposed a home occupation and thus these provisions are not applicable.

**FINDING:** Based on the above discussion, the applicant meets this criterion.

**C. Off-Street Parking**

**For all property and uses within the "Smockville Area" of the Old Town Overlay District off-street parking is not required. For all property and uses within the "Old Cannery Area" of the Old Town Overlay District, requirements for off-street automobile parking shall be no more than sixty-five percent (65%) of that normally required by Section 16.94.020. Shared or joint use parking agreements may be approved, subject to the standards of Section 16.94.010.**

**FINDING:** The applicant proposes a garage for the dwelling as discussed earlier within this report and thus this section is not applicable.

**G. Downtown Street Standards - All streets shall conform to the Downtown Street Standards in the City of Sherwood Transportation System Plan and Downtown Streetscape Master Plan, and as hereafter amended. Streetscape improvements shall conform to the Construction Standards and Specifications, and as hereafter amended.**

The Engineering Department has reviewed the proposal and the recommendations are attached as Exhibit B.

**FINDING:** Based on the above discussion, the applicant has not met this criterion, but can do so with the following conditions that are attached as Exhibit B.

**H. Color - The color of all exterior materials shall be earth tone. A color palette shall be submitted and reviewed as part of the land use application review process and approved by the hearing authority.**

The applicant proposes materials comprised of off-white and grey tones as well as other elements that are earth toned. The applicant has submitted a color palette and pictures for approval of the hearing authority.

**FINDING:** Based on the above discussion, the applicant meets this criterion.

#### **16.162.090 OLD TOWN SMOCKVILLE DESIGN STANDARDS**

##### **RESIDENTIAL STRUCTURES**

**Historically, the Old Town District contained both commercial and residential structures, often intermixed on the same block. Today, many of the city's oldest residential structures remain as private dwellings while others have been converted to professional office or other commercial uses. The following standards are intended to reinforce the traditional mixed architectural character of the district and apply equally to all residential designs, including those now used for other commercial purposes, such as professional offices, restaurants, antique stores, and other similar uses. However, the International Building Code still dictates any requirements for interior remodeling.**

##### **Residential Standard 1: Volume & Mass**

**Historically, residential architecture in the Old Town core was comprised of multiple volumes or articulations, with extended porches, intersecting roof lines, dormers, and other features creating a complex whole rather than a single large volume. To maintain that traditional visual character the following standards apply:**

**a. Verticality: Buildings shall have a generally vertical character or are comprised of a primary vertical element surrounded by more horizontally appearing wings.**

**STAFF DISCUSSION:** This building shows vertical character from the front with the extended porch. It includes pillars on the porch as well as the front dormer windows on the second story that add to the verticality.

**b. Complexity: Single large volumes are prohibited. Total area shall be contained within a minimum of two intersecting volumes, one of which may be a porch under a separate roof element. An attached garage does not constitute a second volume for purposes of this standard.**

**STAFF DISCUSSION:** There are at least two intersecting volumes including the porch which has a separate roof element.

**c. Height:** No building may be greater than 40 feet in overall height. Major roof ridges shall be no lower than 16 feet in height. [Note: this lower limit is designed to encourage steeper gables as opposed to low-pitched roof forms]

**STAFF DISCUSSION:** The height of the house is proposed to be 24 feet.

**Residential Standard 2: Roof Forms**

Roofs play a significant role in the overall character of a structure and, in combination with Standard 1, shelter the complex volumes typical of the traditional development pattern.

**a. Pitch:** Roof pitches of less than 6/12 for gables are prohibited. Roof pitches of less than 5/12 for hipped roofs are prohibited. Flat roofs visible from the street are prohibited. An exception to this standard may be made for porch roofs attached to the primary volume.

**b. Complexity:** As per Standard 1(B), single large roof forms are prohibited. A single roof form with two or more dormers is considered a complex roof form and accordingly will meet this Standard.

**c. Materials:** Roofs shall be of historically appropriate materials, including asphalt shingle, wood shingle, or wood shake. The use of metal roofing, concrete tile roofing, hot-mopped asphalt, rolled asphalt, terra cotta tiles and other non-historic materials are prohibited in view of the public right-of-way.

**STAFF DISCUSSION:** There are no flat roofs visible from the street. The overall roof pitch from the front is 9/12. The porch is pitched at 4/12. There are two varied pitches that can be viewed from the street as well as dormers that have a long varied window form. The applicant proposes composite roofing material.

**Residential Standard 3: Siding/Exterior Cladding**

Generally, vertical appearance of historic volumes in Sherwood was typically balanced by strong horizontal wood siding. The following standard requires a continuation of this horizontal character. All structures shall employ one or more of the following siding types:

- Horizontal wood siding, maximum 8" exposed to weather: Concrete or manufactured wood-based materials are acceptable under this Standard. This includes so-called "Cottage Siding" of wide panels scored to form multiple horizontal lines. Applicants are strongly encouraged to use smooth surfaces, not "rustic" or exposed wood grain pattern materials, which are inconsistent with Sherwood's architecture.
- Wood Shingle siding (painted shingles are preferred, with a maximum 12" to weather)
- True board and batten vertical wood siding, painted

- Brick
- Brick and stone veneer (see below)

**STAFF DISCUSSION:** The applicant proposes a variety of materials including board and batten vertical and horizontal siding, brick or stone veneer. All of these materials are permitted materials.

**Residential Standard 4: Trim and Architectural Detailing**

The vernacular residential architecture of Sherwood reflects the construction techniques of the late 19th and early 20th century, when buildings had "parts" that allowed for easy construction in a pre-power saw era. Today, many of these traditional elements are considered "trim," as newer materials better shed water and eliminate the original functional aspects of various historic building elements. This Standard provides for sufficient architectural detail within the Old Town Area to assure compatibility between new and old construction and create a rich and visually interesting streetscape. All residential construction shall employ at least FOUR (4) of the following elements to meet this Standard:

- Water table or decorative foundation treatments (including stucco)
- Corner boards
- Eave Returns
- Stringcourse or other horizontal trim at plate or floor levels
- Eave brackets or support elements
- Bargeboards/Raking cornice (decorative roof "edge" treatments)
- Decorative projecting rafter tails
- Decorative gable end wall details, including change of materials (shingle bands), decorative venting, eave compass features and similar
- Wide cornice-level frieze and wall treatments.

**STAFF DISCUSSION:** The applicant proposes to use 5/4 corner boards, bargeboard with 5/4 shake mold trim. There are decorative gable ends using knee braces. There is belly band spacing between the stories and at the gable separation which add architectural interest with trim and details to the dwelling.

**Residential Standard 5: Openings [Windows & Doors]**

Doors and windows form the "eyes" and "mouth" of a building and play a significant role in forming its character.

#### Windows

a. **Verticality:** All windows will reflect a basic vertical orientation with a width-to-height ratio of 1.5 to 2, or greater (i.e., a 24" wide window must be a minimum 36" tall). Larger window openings shall be formed by combining multiple window sash into groupings.

b. **Types:** The following windows types are permitted:

1. Single and double hung windows.
2. Hopper and transom-type windows.
3. Casement windows.
4. Any combination of the above, including groupings containing a central single pane fixed window flanked by two or more operable windows.
5. Glass block windows.
6. Fixed leaded or stained glass panels.

**STAFF DISCUSSION:** The applicant proposes two bay windows in the front approximately 26 x 50 inches in size and other groupings of windows in the front. The applicant proposes windows in the dormers that are fixed windows for lighting the interior as well as architectural interest. They are in a location above the second story that does not make them suitable to be opened from the inside. Although prohibited, the applicant maintains that if they were removed, they would detract from the architectural interest of the home.

c. **Lights:** (internal divisions of window, formed by "muntins" or "mullions") True-divided lights are preferred. "Pop-In" or fake muntins are not historic, nor appropriate within Sherwood's vernacular tradition, and are prohibited when visible from the public right-of-way.

**STAFF DISCUSSION:** The applicant proposes windows with mullions on some of the windows. A mullion is a heavy vertical or horizontal member between adjoining window units. Muntins are the narrow strips of wood that divide the individual panes of glass in a traditional sash. In the case of so-called "simulated divided lites," grilles resembling muntins are either sandwiched between double glass panes or else installed over the outer surface of the glass to give a divided look. In this case, the standard is categorized as "preferred." The applicant has shown several houses within the area that have this type of window that appear to contradict the premise for this provision. **(Exhibit A: Applicant's Materials)**

#### Doors

**a. Transparency:** Primary entry doors will retain a degree of transparency, with no less than 25% of the surface being glazed, either in clear, leaded, or stained glass materials. Solid, flat single, panel doors are prohibited.

**b. Materials:** Doors may be of wood, metal-clad wood, or metal. Other materials that can be painted or stained, such as cast fiberglass, so as to reflect traditional materials are permitted.

**STAFF DISCUSSION:** The applicant proposes a six panel wood door stained with two sidelight windows.

#### **Trim**

**a. Sills:** All windows will have a projecting sill and apron.

**b. Side and Head Casing:** Door and window trim will including side and head casing that sits no less than ½" proud of the surrounding wall surface. Trim mounted in plane with siding is not permitted in the Old Town area. Trim mounted atop siding is not recommended.

**c. Other Trim Elements:** As discussed in Standard 4, above, the use of trim to articulate the construction process was a standard character-defining element of Sherwood's vernacular architecture. Although not required by this Standard, the use of the following traditional door and window trim elements are encouraged, particularly on the primary facade.

- Simple window "hoods," mounted over the window opening. Such features are traditionally treated as pents and clad with roofing material
- Parting bead, between the side and head casings
- Crown moldings
- Decorative corner elements at the head, apron, or both
- Single or dual flanking sidelights at entryways
- Transom windows above the major door or window openings

**STAFF DISCUSSION:** All of the windows have trim that has a decorative corner element at the apron as well as hoods mounted over the opening. The front door has sidelights at the entryway.

#### **Residential Standard 6: Porches/Entrances**

In combination with doors, front porches help create a "sense of entry" and typically serve as the focal point of the front-facing facade of the structure. Porches should be encouraged and adequately detailed to create that sense of entry and serve as a primary element of the exterior character.

**a. Depth:** Projecting or recessed porches should be a minimum of five (5) feet deep. Projecting covered stoops should be a minimum of three (3) feet deep.

**b. Width:** Projecting or recessed porches should be a minimum of ten (10) feet wide or 25% of the primary facade width, whichever is the lesser. Projecting covered stoops should be a minimum of five (5) feet wide.

**c. Supports:** To assure appropriate visual weight for the design, vertical porch supports shall have a "base" of no less than six (6) inches square in finished dimension from floor level to a minimum 32" height. Upper posts shall be no less than four (4) inches square.

**1.** Base features may be of boxed wood, brick, stone, true stucco, or other materials that reflect a support structure. The use of projecting "caps" or sills is encouraged at the transition between the base and column.

**2.** When the entire support post is a minimum of six (6) inches square no base feature is required.

**3.** Projecting covered stoops, with no full-height vertical support, shall utilize members of no less than four (4) inches square.

**STAFF DISCUSSION:** The applicant proposes a 7.5 foot wide porch that extends nearly the length of the front of the dwelling (32 feet). The porch is designed with multiple details including a base feature made of brick, four columns, and a detailed rail. This provides a focal point to the entry as well as the front façade of the dwelling.

#### **Residential Standard 7: Landscape, Fencing, and Perimeter Definition**

Fencing or other edge-defining perimeter features, including the use of landscape materials, are traditional elements in Old Town Sherwood's residential areas. Please refer to Chapter 16.92 of the SZCDC for applicable landscaping standards and requirements. In addition to those provisions, such features within the Smockville Area shall also comply with the following Standard to maintain the area's character.

**a. Materials:** The following fencing materials are permitted in the Smockville Area:

**1.** Brick

**2.** Concrete, including concrete block, "split faced" concrete block and similar.

**3.** Stone

**4.** Wood, including vertical or horizontal board, pickets, split rail, and similar traditional fence designs.

**STAFF DISCUSSION:** The applicant proposes a good neighbor fence running the perimeter of the property and comprised of wood. Where allowed, the fence will be six feet tall.

**Residential Standard 8: Additions to Existing Buildings**

**a. Compatibility:** Additions to existing properties will continue the existing character of the resource or return to the documented original character in scale, design, and exterior materials. The creation of non-documented elements outside the traditional vernacular character such as towers, turrets, elaborate surface decoration and similar "earlying-up" is prohibited.

**b. Attachment:** Additions should "read" as such, and be clearly differentiated from the historic portion of the structure and shall be offset or "stepped" back from the original volume a minimum of four (4) inches to document the sequence of construction. An exception to this standard is allowed for the reconstruction of previously existing volumes that can be documented through physical or archival evidence.

**c. Non-Compatible Materials:** Repair of existing non-compatible materials is exempt from Standard 8(A). Rear-facing additions to existing buildings may continue the use of these materials so long as they are a continuation of the attached materials.

**STAFF DISCUSSION:** No accessory buildings are proposed.

**Residential Standard 9: Front-Facing Presentation**

Traditionally, the portions of a structure facing the public right of way were considered the most important for presenting an aesthetically pleasing appearance. Skylights were not used, and there was very little venting since the structures were not tightly enclosed and wrapped as they are today. Therefore, keeping all modern looking venting and utilities to the side that is not visible from the public right of way is important and greatly adds to the appearance.

**a. Skylights:** Skylights shall be placed on the side of the structure not visible from the public right of way, and shall be of a low profile design.

**b. Roof vents:** Roof vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material. Where possible, a continuous ridge vent is preferred over roof jacks for venting purposes. In the case of using a continuous ridge vent with a vintage structure, care should be taken in creating inconspicuous air returns in the eave of the building.

**c. Plumbing vents:** Vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material.

**STAFF DISCUSSION:** The applicant has not proposed skylights. The roof and plumbing vents will not be visible from the street.

**FINDING:** The applicant's materials demonstrate that the design of the home would comply with the Residential Design standards. The exceptions to compliance are Residential Design Standard 5, the windows and the applicant has requested that the Planning Commission allow these window types based on proof that they are already present in Old Town, add architectural interest to the design of the home and serve to let light into the dwelling regardless of whether they open.

**STAFF RECOMMENDATION**

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's revised submittal, staff finds that the requested approval can comply with the applicable standards of the SZCDC. Therefore, staff recommends land use **approval of File No: LA 13-01.**

**VI. EXHIBITS**

- A. Applicant's submitted materials September 11, 2013
- B. Engineering Comments dated October 1, 2013.



Case No. LA-13-01  
Fee 716.00  
Receipt # \_\_\_\_\_  
Date 9-5-13  
TYPE IV

**City of Sherwood**  
**Application for Land Use Action**

**Type of Land Use Action Requested: (check all that apply)**

- Annexation
- Plan Amendment (Proposed Zone \_\_\_\_\_)
- Variance (list standard(s) to be varied in description)
- Site Plan (Sq. footage of building and parking area)
- Planned Unit Development
- Conditional Use
- Partition (# of lots \_\_\_\_\_)
- Subdivision (# of lots \_\_\_\_\_)
- Other: OLD TOWN OVERLAY

*By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.*

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov). Click on Departments/Planning/Fee Schedule.

**Owner/Applicant Information:** BURNES L/S  
 Applicant: C&L PROPERTIES LLC Phone: 503-625-5792  
 Applicant Address: 20743 S.W. SANTA FE TER. Email: CANLARDHEVANET.COM  
 Owner: SHERWOOD OR. 97140 Phone: \_\_\_\_\_  
 Owner Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 Contact for Additional Information: LARRY WRIGHT

**Property Information:**  
 Street Location: 16045 S.W. 2<sup>ND</sup> SHERWOOD OR. 97140  
 Tax Lot and Map No: 29 132 BB 1700  
 Existing Structures/Use: \_\_\_\_\_  
 Existing Plan/Zone Designation: \_\_\_\_\_  
 Size of Property(ies) 50X100 = 5000 SQ FT.

**Proposed Action:**  
 Purpose and Description of Proposed Action: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Proposed Use: \_\_\_\_\_  
 Proposed No. of Phases (one year each): \_\_\_\_\_

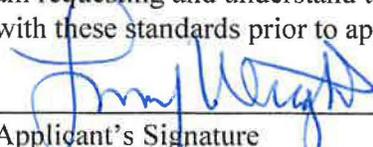
LAND USE APPLICATION FORM

**Authorizing Signatures:**

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I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

  
Applicant's Signature

9/15/13  
Date

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

**The following materials must be submitted with your application or it will not be accepted at the counter.** Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

- 3 \* copies of Application Form** completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- Copy of Deed** to verify ownership, easements, etc.
- At least 3 \* folded** sets of plans
- At least 3 \* sets** of narrative addressing application criteria
- Fee** (along with calculations utilized to determine fee if applicable)
- Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)
- Signed checklist** verifying submittal includes specific materials necessary for the application process

\* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.



RESUME/INFORMATION  
C & L PROPERTIES LLC

C&L Properties LLC is a small local residential homebuilding company consisting of Larry & Candy Wright. Larry has been in the building business in previous years with other homebuilders, and C&L has been operational since 2000. Larry is licensed in the State of Oregon, CCB #146067 and is a graduate of Portland State University.

Candy Wright's previous experience prior to 1992 was in land development with prominent local developers, and since 1992 has been a licensed real estate broker in Oregon.

C&L Properties has built and sold homes in Forest Grove, Cornelius, Oregon City, Beaverton, Tigard and Portland areas of Washington County. This includes several presales in the last 3 years. C&L is a member in good standing with HBA of Portland, and in 2005, C&L won 6 of the 12 awards for the 2005 Street of New Beginnings show in Beaverton. In 2007, 2008 and 2010, C&L participated in HBA's Ultimate Open House show. 2010's entry earned the HBA "Excellence" award.

OLD TOWN OVERVIEW FOR RESIDENTIAL HOME APPROVAL

Lot 6 Block 7 SHERWOOD  
16045 SW 2<sup>ND</sup> STREET  
SHERWOOD, OR 97140

REQUEST FOR APPROVAL OF ONE SIGNLE FAMILY HOME LOCATED IN THE OLD TOWN OVERLAY DISTRICT

Minimum lot size 5000 Square Feet  
**Our lot size is 5017SF**

The zoning requirement calls for 5' side yard, 20' rear yard for driveway and 20' front yard. Our front yard is 15 feet from property line but meets the yard requirement for infill development. Sec.16.68.050 front yards may be reduced below the minimum standard of the applicable zoning district when the approval authority finds:

- 1) Our front yard is not reduced by more than (6) six feet;**
- 2) Our garage opening is setback twenty (20) feet or more from all street Rights of Way;**
- 3) Our plan has an open front porch**

Residential Standard 1: Volume and Mass

a) Verticality: Buildings shall have a generally vertical character.

**Please see attached Exhibit 2 for sample. The large dormer above to the grand covered front porch and both bay windows makes for a very striking front elevation.**

- b) Complexity: Total area shall be contained within a minimum of two intersecting volumes, one of which may be a porch under a separate roof element.  
**This house has 2 intersecting volumes of which one is a covered porch with a separate roof element.**
- c) Height: No building may be greater than 40 feet in overall height.  
**Our house plan is only 27 feet to the peak of the roof**

Residential Standard 2: Roof Forms

- a. Pitch: Roof pitches of less than 6/12 for gables are prohibited  
**The main body of the roof is a 9/12 pitch in front. Our plan does have 4/12 pitches at the Long dormer and front porch**
- b. Complexity: A single roof form with two or more dormers is considered a complex roof form & accordingly will meet this standard.  
**Our plan has a large Dormer in front that is 28 feet long with fixed window for light in the greatroom and dining room**
- c. Materials: Appropriate materials, including Asphalt Shingle, Wood Shingle or Wood Shake.  
**Our plan calls for Hardi Lap Siding with a mixture of Hardie Board & Batt on the sides. Hardie siding is a form of concrete board**

Residential Standard 3: Siding/Exterior Cladding

Horizontal wood siding, concrete or manufactured wood based materials are acceptable  
**Our plan calls for Hardie Lap, Hardie Board & Batt siding which meets this standard**

Residential Standard 4: Trim and Architectural Detailing

Four elements

- 1) Corner boards
- 2) Eave Returns
- 3) Bargeboards/raking cornice (decorative roof edge treatment)
- 4) Decorative Gable End Wall Details (change of material)

**We are using for Trim & Architectural Design 5/4 corner boards, bargeboard with 5/4 shake mold trim. Decorative Gable Ends using knee braces, and we changed our material by using a Belly Band spacing. We are using a 2x10 Belly Band between floors and at gable separation.**

Residential Standard 5: Openings (Windows & Doors)

- a) Verticality: All windows will reflect a basic vertical orientation with a width-to-height ratio of 1.5 to 2 or greater. Larger window openings shall be formed by combining multiple window sash into groupings.

**Our plan conforms to this standard with 2 bay windows in the front elevation which has 2 – 26x50 & 1- 3050 grouping in greatroom and dining room.**

**We have 8 fixed windows in the dormer section which does not meet your standard, but As you can see from Exhibit 1, there are other homes in the area that have these same fixed windows.**

**Exhibit 2 shows the same plan as built in Bend. As you can see, it is a very striking home. If we eliminate these windows, it would detract from the home and would also eliminate much needed light in the dining room and great room. There are small fixed windows on side of the house by the fireplace and master bedroom.**

**Upstairs in both bedrooms, we have a 5040 slider with top grids to look like single hung . The reason for these windows tis to meet egress code. There is not enough height to use 3050 single hung. See Exhibit 3. An example of this is on the front elevation.**

#### Doors

**A&b)Transparency: Primary entry door will retain a degree of transparency. Materials May be wood, metal, clad wood or metal.**

**Our front door is solid 6 panel wood door stained with 2 sidelight windows which fits the neighborhood.**

#### Trim and Architectural Detail

- a) Sills: All windows will have a projecting sill & apron
- b) Side & Head Casings: Door & window trim will include side & head casing that sits no less than ½” proud of surrounding wall surface.
- c) Other trim elements: Single or dual flanking sidelights at entryways.

**Our window trim is 5/4x4” sides with 5/4x6 on top and 2x sloped sill.**

**Our exterior doors have 5/4x6 on top and 5/4x4 sides.**

#### Residential Standard 6: Porches/Entrances

Porches should be encouraged and adequately detailed to create that sense of entry and serve as a primary element of the exterior character.

- a) Depth: Minimum of five (5) feet deep
- b) Width: Minimum of Ten (10) feet wide
- c) Supports: Vertical porch supports shall have a base of no less than six (6) inches square in finish dimension from floor level to a minimum 32” height. Upper posts shall be no less than four (4) inches square

**Our Front Porch is approximately 7’6” wide and 32’ long with four (4) columns. The columns have bases of 12” square finish wrapped with stone, and 4 upper posts are 6x6 PT wrapped to 8 ½’ finish.**

Residential Standard 7: Landscaping and Fencing

Fencing Material: Wood including vertical or horizontal board.

**We are planning to construct a Good Neighbor Fence with 4x4 outdoor wood posts, 2x4 outdoor wood rails and cedar 1x6 vertical board. The height will be 42' high in ROW and 6' high the remainder.**

Landscaping

**We plan on creating flower beds and sod front and back. We plan on saving the large cedar tree in the rear and landscape around it.**

Residential Standard 8: Additions to Existing Buildings

**We have no existing buildings**

Residential Standard 9: Front Facing Presentation

- a) We have no skylights**
- b) Roof vents will not be visible from the right of way and will be painted to match roof**
- c) Plumbing vents will not be visible from the right of way and will be painted to match roof**

Exterior Colors

**As you can see, we have selected colors that are complementary to the area**

EXHIBIT 1



2<sup>ND</sup> & WASH.



2<sup>ND</sup> & WASH.



2<sup>ND</sup> & PARK



2<sup>ND</sup> & PARK

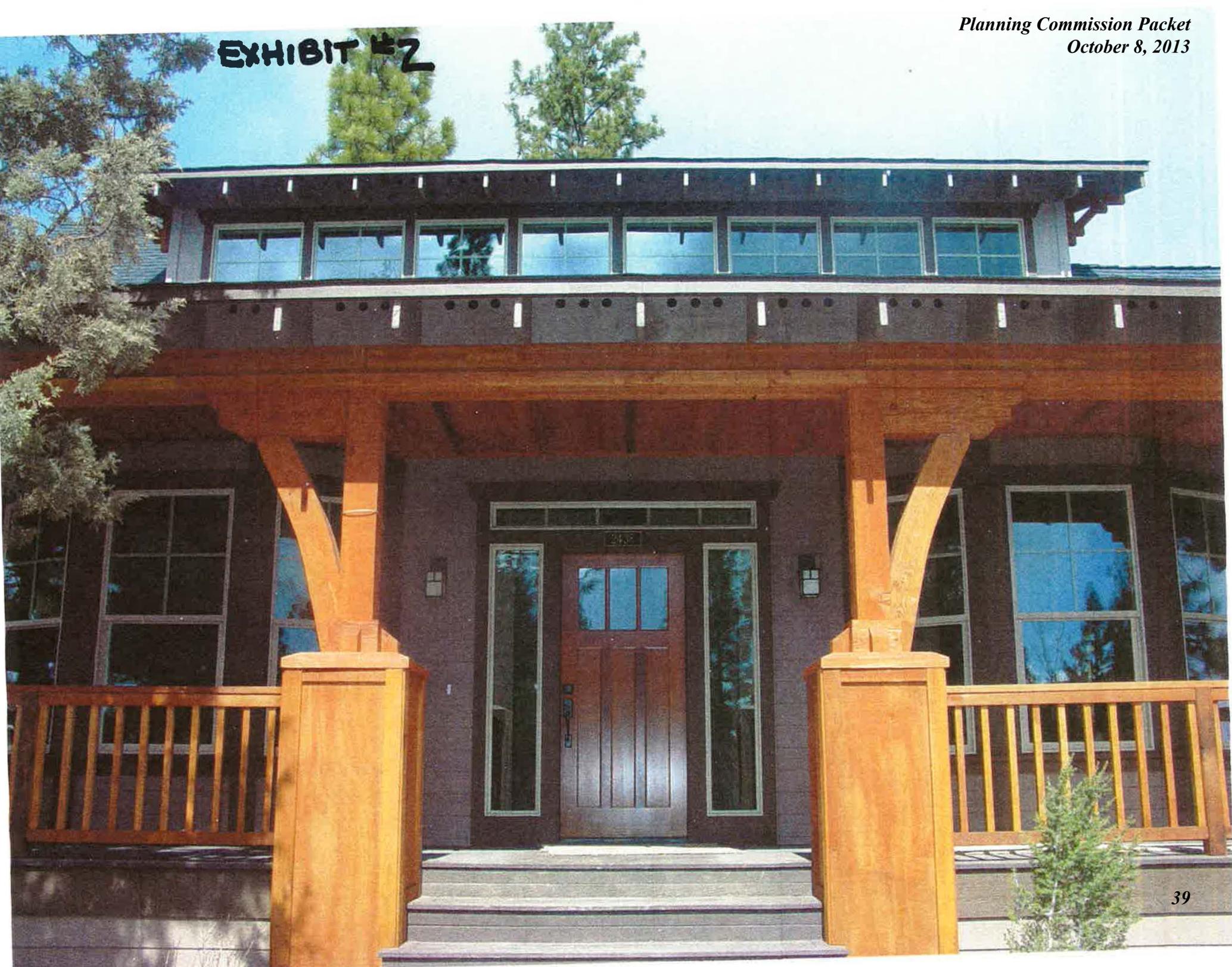
EXHIBIT #2

Planning Commission Packet  
October 8, 2013



**EXHIBIT #2**

*Planning Commission Packet  
October 8, 2013*



# Development Tools to Encourage Town Center Vision

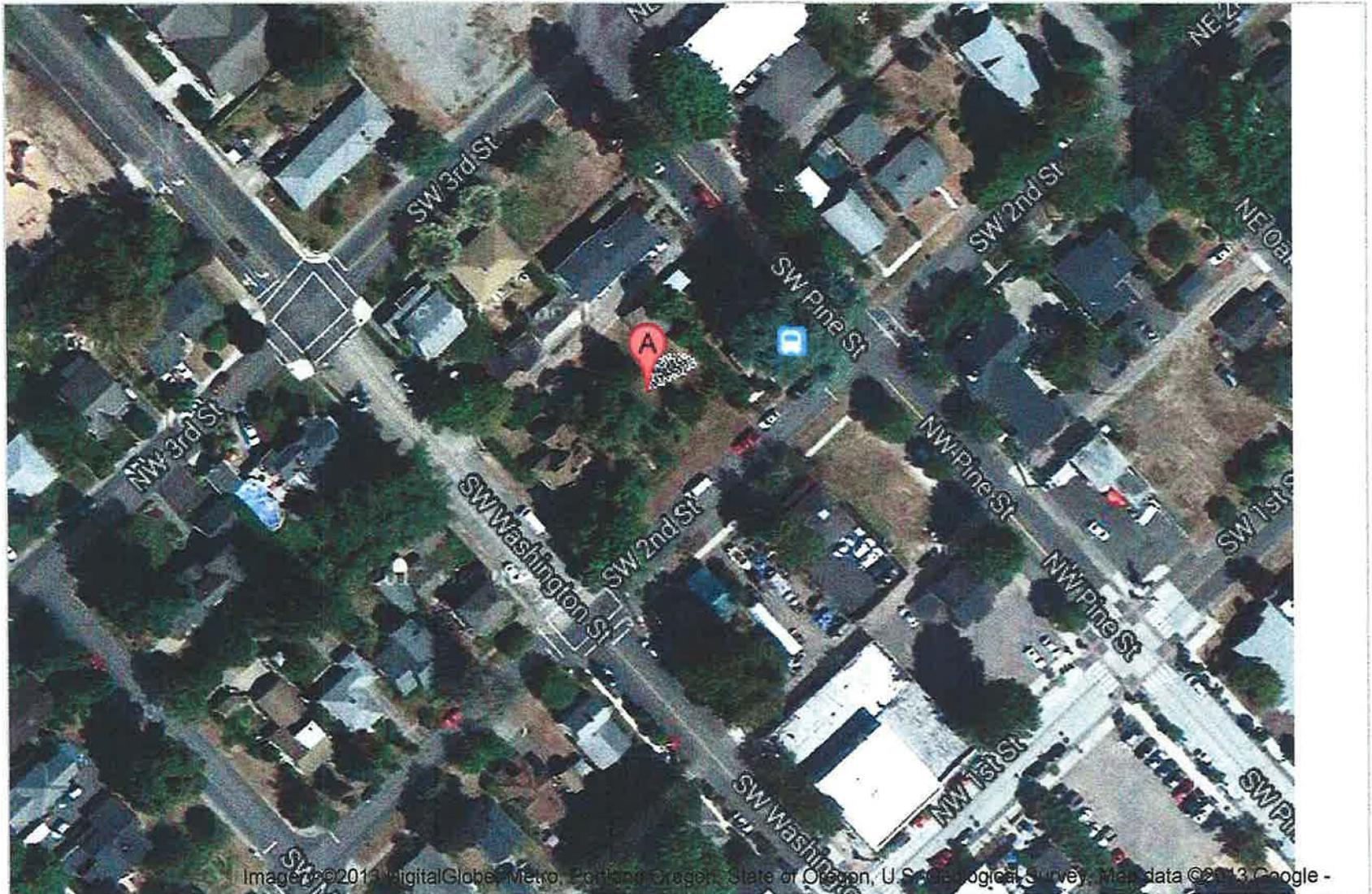
Policy 5: The City will encourage property owners to invest in development that supports the Town Center Vision.



Old Town Vacant or Redevelopable properties

Strategy 9.3 Consider the parking requirements for commercial uses in the Langer Drive District to ensure that flexibility is available to allow for the redevelopment of parking lots and the construction of additional buildings adjacent to collector and arterial streets while also ensuring adequate parking is provided.



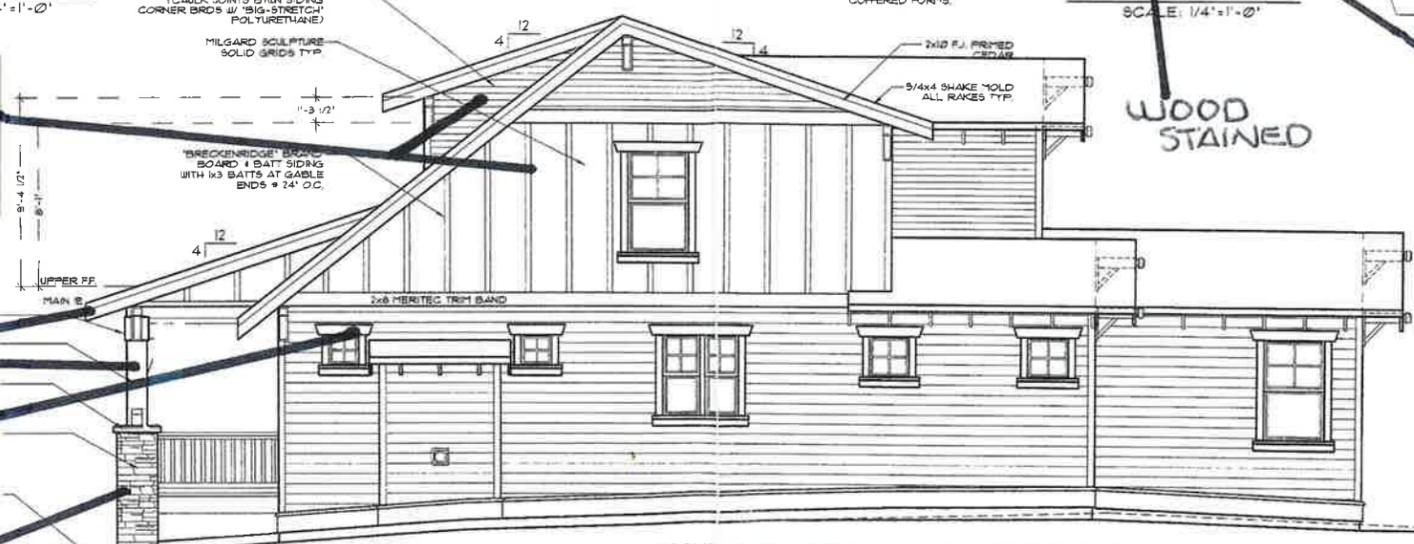




**REAR ELEVATION**  
 SCALE: 1/4" = 1'-0"



**FRONT ELEVATION**  
 SCALE: 1/4" = 1'-0"



**RIGHT ELEVATION**  
 SCALE: 1/4" = 1'-0"



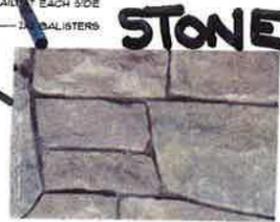
**LEFT ELEVATION**  
 SCALE: 1/4" = 1'-0"



Moire Black

**TRIM** SW 6071 Popular Gray

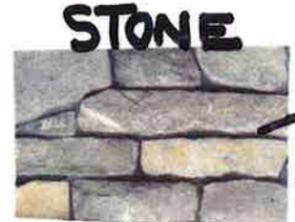
**Body** SW 6073 Perfect Greige



**STONE**

**Body** SW 6073 Perfect Greige

**TRIM** SW 6071 Popular Gray



**STONE**

HOME SQUARE FOOTAGE	
MAIN FLOOR	= 1,448 SQ. FT.
UPPER FLOOR	= 711 SQ. FT.
<b>TOTAL</b>	<b>= 2,159</b>
GARAGE	= 531 SQ. FT.

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 Authentic Mark Stewart Original Design  
 Accepts no substitutes

Stock Home Plans  
 Custom Design  
 Builder Marketing  
 Interior Design  
 Since 1982

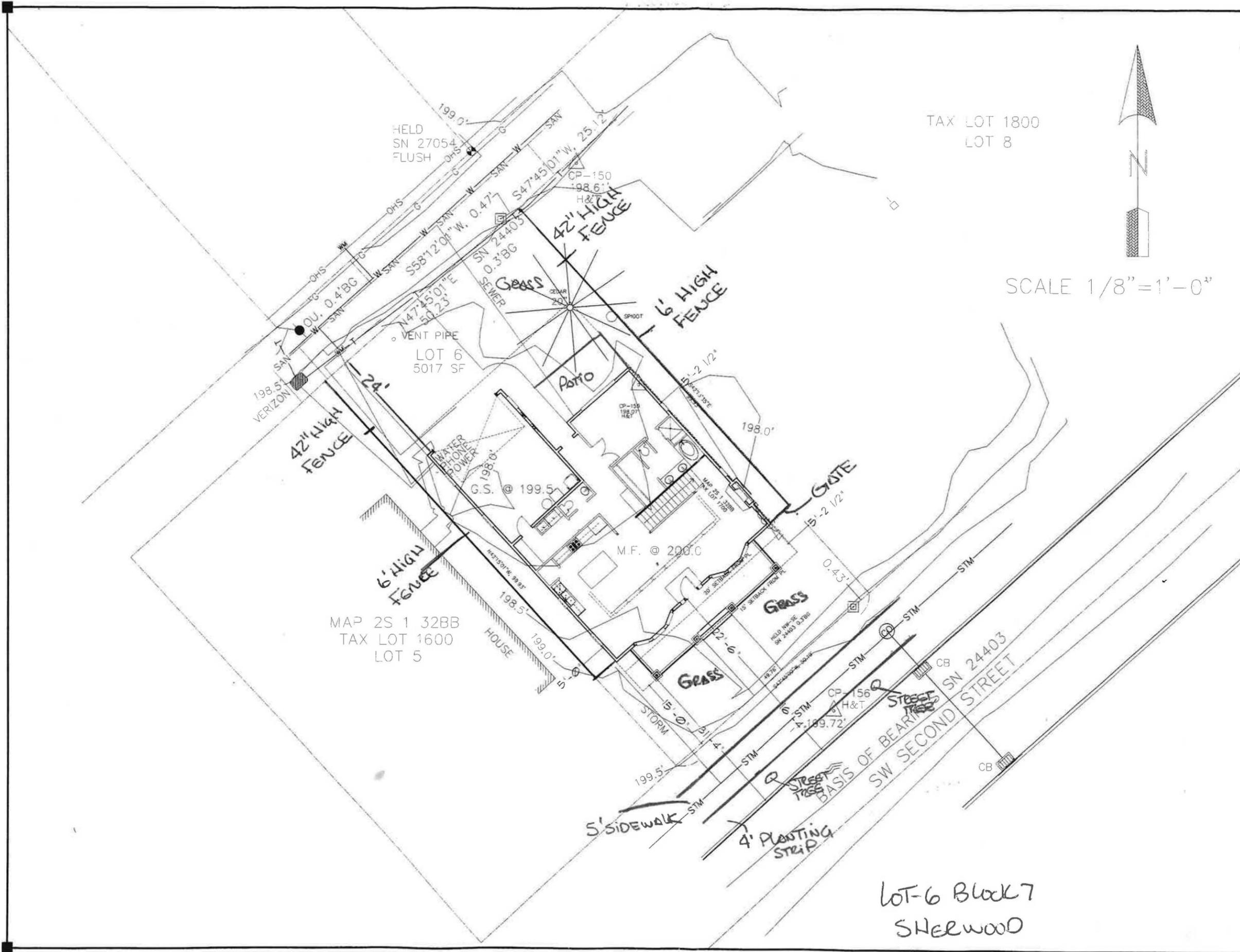
These plans and the designs herein are copyrighted under Federal Law by Mark G. Stewart and Mark Stewart & Associates Inc 2006

**Important Disclosure Please Read:**

The plans you have purchased are for the construction of ONE home only. Under NO circumstances is it legal to build from these plans more than once without the written consent from the designer Mark Stewart. These plans are copyrighted and it is a violation of Federal copyright law to reproduce them. Mark Stewart & Associates will fully prosecute ANY violation of its copyrighted designs and plans. Furthermore it is understood that it is COMPLETELY the responsibility of the contractor to construct the home described herein on any particular site and within the confines of the governing jurisdiction. Mark Stewart & Associates takes NO responsibility for the conformances of the plan to any code or any building site.

CLIENT: **C&L**  
 PLAN # **M-1914 REV**  
 REVISIONS: **AUGUST 2013**

PAGE **1** of **7**



TAX LOT 1800  
 LOT 8



SCALE 1/8" = 1'-0"

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CLIENT:  
 C&L PINE ST

PLAN # M-1914

REVISION: AUGUST 2013

PAGE  
**SITE**

LOT-6 Block 7  
 SHERWOOD



# C & L Properties LLC

9279 SW 75th  
Portland, OR 97223

Quality Custom Homes  
CCB #146067

Phone: (503) 245-4944  
Fax: (503) 245-5038

July 10, 2013

## NOTICE OF NEIGHBORHOOD MEETING

A Neighborhood Meeting will be held on Monday, July 22, 2013 at 16045 SW 2<sup>nd</sup> Street, Sherwood OR to inform the community about our proposed partition and new home construction on this property. Interested community members are encouraged to attend. You may contact us at 503-245-4944 for more information. The meeting will be from 7:00pm to approximately 8:30.

PROJECT PROPOSAL: C & L Properties LLC and Burness Landscaping Inc. propose to partition 2 lots for construction of 2 townhomes and 1 single family home.



**Affidavit of Mailing**

DATE: 7/12/13

STATE OF OREGON     )  
  )  
Washington County    )

I, LARRY WRIGHT, representative for the 16045 S.W. 2<sup>nd</sup> ST. SUGARWOOD OR. proposed development project do hereby certify that the attached notice to adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject project, was placed in a U.S. Postal receptacle on 7/12/13.

Larry Wright  
Representatives Name:  
Name of the Organization:  
C&L PROPERTIES LLC  
9279 S.W. 75<sup>th</sup> AVE  
PORT. OR. 97223  
CCB #146067

MEETING NOTES SUMMARY  
JULY 22, 2013  
MEETING LOCATION: 16045 SW 2<sup>ND</sup> ST SHERWOOD OR

A City required Neighborhood Meeting took place at 7:00pm. Present were members of C&L Properties LLC (Larry & Candy Wright) and Tom Burness (Burness Landscaping Inc.). Both are the applicant and potential purchaser of the property. Candy Wright is also a real estate broker licensed in Oregon.

First to arrive was Darcy V who asked about the design and type of construction planned for the lot. She expressed concern for the additional traffic and additional parking on the street. At the time there were several vehicles parked at the curb on our side of the street. She was concerned it would get worse. Concern was expressed over Andy's auto repair business and the number of cars that sit for long periods of time.

She also had a concern with townhomes and the trend by local jurisdictions to cram in people...would prefer regular type homes; however, she specifically said that townhomes would be better than commercial. Wants to preserve the old town feel, and townhomes, if a good design, would fit in. She did not like the Tudor design of the townhomes or the central Oregon look of the home on the other lot.....said it doesn't fit in and the design of the condos and building down the street were "not well received." She asked that we give the exteriors more of an old town look to fit in.

Second to arrive was Charles H the corner neighbor. He reviewed the plans and asked about fences and setbacks. He agreed that townhomes were better than commercial. He also expressed interest in a better design to fit in....not Tudor. He also is not happy with Andy's garage and said that it is time for him to go someplace else....too many old cars sitting in the lot and on the street...not a "menace" just not a very good neighbor. He again said that he hoped we can change the exterior design, and was okay with it all and happy that we would be fence between our project and his home.

We talked about the sidewalk location being so far from the curb and that wasted unkept space.

He agreed that the sidewalk maybe meandering closer to the street would be good , rather than the large boulevard of grass and people walking so close to the homes. We all talked about that for a bit and all agreed that the boulevard concept doesn't make much sense.

During the visit with the first two, Dave E sat down and we took a moment to explain everything him. He said he was just curious and doesn't live there...bought it for an investment. He agreed with the sidewalk discussion and Tudor design concern. Everyone chatted about the goodness of the neighborhood, how they want it to be and they again discussed Andy's place. They wished us luck and said they would be available for input if the City would consider the sidewalk issue.

All three left at the same time....8:10.

The meeting was adjourned at about 8:20



## Engineering Review Comments

City of Sherwood  
22560 SW Pine St.  
Sherwood, OR 97140  
Tel 503-625-5522  
Fax 503-625-5524  
www.ci.sherwood.or.us

**Mayor**  
Bill Middleton

**Council President**  
Linda Henderson

**Councilors**  
Dave Grant  
Robyn Folsom  
Bill Butterfield  
Matt Langer  
Krisanna Clark

**City Manager**  
Joseph Gall, ICMA

**Date:** October 1, 2013

**Project Title:** 2<sup>nd</sup> Street Partition

**Case File Number:** n/a

**Eng Dept Staff Reviewer:** Bob Galati PE, City Engineer

### Public Improvements

1) Proportionality: ½ street improvements along the frontage of 2nd Street would be considered proportional.

a) Existing curb and landscaping along 2<sup>nd</sup> St does not meet current standard. Curb has exhausted life cycle.

b) Asphalt pavement section is marginal and some life cycle remains (~8yrs).

c) Alley is gravel and often inaccessible due to activity by adjacent business owner.

2) Construct ¼ street improvement along SW 2<sup>nd</sup> Street extending along both lots frontage:

a) Install new curb/gutter

b) Full depth AC replacement extending out 2' from end of gutter. Perform a 1" grind and overlay of the existing AC pavement from the edge of the new full depth pavement section to the center of the road.

c) Install 5' landscape strip with street trees.

d) Install 5' non-meandering sidewalk (5' wide is ADA minimum).

e) Record Public Utility Easement (PUE) for franchise utilities & plants for screening.

f) Install street lighting based on spacing standards.

g) In front yard adjacent to 2<sup>nd</sup> Street, replace storm cleanout with a manhole. City PW to provide manhole and offset construction cost of installation.

h) Replace existing outdated catchbasin with sumped catchbasin.

3) Provide vehicle access from alley but no alley improvements required and no in-lieu payment for future alley improvements

- 4) City utility service laterals for water and sanitary will be taken from mainlines located in the mid-block alley.
  - a) The westerly lot will have access to an existing water lateral and will receive credit for this connection.
  - b) The easterly lot will have access to an existing sanitary lateral and will receive credit for this connection.
  - c) Water meters will be located outside hardscape and paving within the mid-block alley.
- 5) System Development Charges (SDC)'s and Transportation Development Tax (TDT) shall be applied at the residential rate. The former home predated the creation of the SDC and TDT ordinances; hence the lot(s) shall be accessed accordingly, minus the credits noted above.

# **New Business Agenda**

## **Item B**

CITY OF SHERWOOD  
Staff Report

September 23, 2013  
File No: SP 13-02/VAR 13-01

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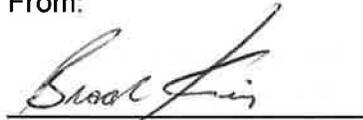
**Sherwood Community Center Major Modification**

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**TO: Planning Commission**

App. Submitted: August 23, 2013  
App. Complete: September 9, 2013  
Hearing Date: October 8, 2013  
120 Day Deadline: January 7, 2014

From:



Brad Kilby, AICP  
Planning Manager

**Proposal:** The Community Center was initially approved as a redesign/repurpose of the Machine Shop Building under file number (SP 12-01). This application proposes a Major Site Plan Modification to approved site plan SP 12-01 to allow a new design for the Sherwood Community Center and a request for a Class A variance for a reduction in the required amount of window coverage on one side of the building. This development is located within the Sherwood Cannery Square PUD (PUD 09-01). The properties are zoned PUD-RC.

**I. BACKGROUND**

**A. Applicant/Owner:** City of Sherwood  
Attn: Urban Renewal Agency  
22560 SW Pine Street  
Sherwood, OR 97160

**Applicant's Representative:** Harper Houf Peterson Righellis Inc.  
205 SE Spokane Street, Suite 200  
Portland, OR 97140

**Contact:** Keith Jones, AICP, LEED AP ND

- B. Location:** 22832 SW Washington Street. Tax Lots 151, 800, and 900; Tax Map 2S132BD. The Railroad right of way is located north and west of the building on tax lot 900.
- C. Parcel Size:** The subject property where the community center would be constructed is approximately 43,787 square feet in size.
- D. Existing Development and Site Characteristics:** The site is vacant after a building was demolished this past summer. There is also an existing gravel parking area.

- E. Site History: The Community Center was approved by the Planning Commission as SP 12-01 in August of 2012. The community center is part of the Cannery Planned Unit Development (PUD 09-01) which was approved by the City Council on March 2, 2010 through ordinance 2010-004. The Cannery PUD is a seven phased development. The public improvements and plaza phase have been completed. After the discovery of a failing truss, the City ordered a review of the structure by an independent structural engineer. As a result of their report, it was determined that the Machine shop structure was failing and unsafe. The Urban Renewal Board (City Council) weighed its options and decided that the building needed to be demolished. The demolition of the machine shop, which was previously approved to be improved and converted into a community center, led the applicant to seek this site plan modification and a redesign of the entire building.
- F. Zoning Classification and Comprehensive Plan Designation: The site is zoned Retail-Commercial (RC). Per section 16.28, the purpose of the RC zone provides for general retail and services uses that neither require large parcels of land, nor produce excessive environmental impacts. The site is also located within the Old Town Overlay zone, a designated historic district which seeks to preserve and enhance the area's commercial viability and historic character.
- G. Adjacent Zoning and Land Use: The site is adjacent to retail commercial zoning to the northeast, northwest and east. The property to the southeast is zoned high density residential and the property to the southwest is zoned medium density residential high.
- H. Review Type: The applicant proposes a major modification to SP12-01. SP12-01 was the approval for the final development plan and site plan for the community center and associated parking within the railroad right of way. The building and the parking both required conditional use permits. The conditional uses of the property have been approved, and run with the land. The applicant is also requesting a Class A variance to the minimum glazing requirements of the Old Town Design Standards. Specifically, section 16.162.080H which is discussed in detail later in this report. Pursuant to section 16.90.030.A.1.b.2, a major modification is subject to the same review procedure and decision making body. In this case, the decision must be made by the Planning Commission. An appeal would be heard by the City Council.
- I. Public Notice and Hearing: Two neighborhood meeting were held regarding the project. One was held on July 15, 2013, and another was held on August 15, 2013. The neighborhood meeting was attended by eight members of the general public according to the applicants minutes included as attachment 2 to the submittal packet. Questions raised ranged from internal materials and acoustics to whether or not the modern look of the building truly fits into Old Town. The minutes are provided in Attachment 2 of the applicant's materials. There was also a discussion regarding parking for the building, and a desire to ensure that the renters in the Cannery Row apartment complex were not utilizing parking spaces that are to be dedicated to the Community Center.

Notice of this application was mailed to property owners within at least 1,000 feet of the subject property on September 16, 2013, and posted on the property and in five locations throughout the City on September 17, 2013 in accordance with Section 16.72.020 of the SZCDC. The notice was published in the Times (a paper of general circulation) on September 26, 2013 and in the Sherwood Gazette (a paper of local

circulation) in the October 1, 2013 edition in accordance with Section 16.72.020 of the SZCDC.

- J. Review Criteria: Sherwood Zoning and Community Development Code, 16.28 (Retail Commercial-RC), 16.40 (Planned Unit Development), 16.58.010 (Clear Vision), 16.90 (Site Planning), 16.82 (Conditional Uses), 16.84 (Variances), 16.92 (Landscaping), 16.94 (Off-Street Parking), 16.96 (On-Site Circulation), 16.98 (On-Site Parking and Loading), Division VI 16.104-16.118 (Public Improvements), 16.142 (Parks and Open Space), 16.146 (Noise), 16.148 (Vibrations), 16.150 (Air Quality), 16.153 (Odors), 16.154 (Heat and Glare), 16.156 (Energy Conservation) and 16.162 (Old Town Overlay District). However, section 16.90.030.A.1.b.3 limits the scope of the review to the modification request and does not open the entire site up for additional review unless impacted by the proposed modification.

## II. PUBLIC COMMENTS

Public notice was mailed on September 16, 2013, and posted on the property in five locations throughout the City on September 17, 2013. As of the date of this staff report, staff has received only received comments from one citizen, Rochelle Wasula, who indicated in an e-mail that she was looking forward to this great addition to the City. She also wanted to ensure that the mistake of choosing seats experienced by the Broadway Rose Theater in Tigard was not repeated in Sherwood.

**STAFF RESPONSE:** The Assistant City Manager responded to Mrs. Wasula about the seats, but the furnishings of the building are not within the scope of this review.

The public has been notified that comments are accepted prior to, and until the close of the Planning Commission public hearing.

## III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on September 19, 2013. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department: Jason Waters, PE, submitted comments on September 27, 2013. Mr. Water's comments include consideration of the previous engineering comments and serve to make some clarifications regarding the public improvements associated with the Community Center SP 12-01 approval. These comments are incorporated into the recommended decision, and are attached as Exhibit E.

Tualatin Valley Fire and Rescue: John Wolff, Deputy Fire Marshal II with Tualatin Valley Fire and Rescue (TVFR), submitted comments for this proposal on September 25, 2013. Mr. Wolff indicated that the district endorses the application provided their fire, life, and safety requirements, listed in the comments, were satisfied. Mr. Wolff's comments have been incorporated into this report where applicable, and are attached to this report as Exhibit C.

Pride Disposal Co.: Kristin Leichner of Pride Disposal, provided staff with an e-mail stating that she had no concerns provided they continued to comply with Pride's placement and design standards.

Washington County, METRO, PGE, ODOT, CWS, BPA, Kinder Morgan Energy, and NW Natural Gas were also notified of this proposal and did not respond or provided no comments to the request for agency comments by the date of this report.

#### IV. SITE PLAN REVIEW REQUIRED FINDINGS (SECTION 16.90)

##### 16.90.030 Site Plan Modifications and Revocation

##### A. Modifications to approved site plans

##### 1. Major Modifications to Approved Site Plans

a. **Defined.** The review authority shall determine that a major modification(s) review is required if one or more of the changes listed below are proposed:

- (1) A change in land use (i.e. residential to commercial, commercial to industrial, etc.);
- (2) An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;
- (3) A change in setbacks or lot coverage by more than ten (10) percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;
- (4) A change in the type and/or location of access-ways, drives or parking areas negatively affecting off-site traffic or increasing Average Daily Trips (ADT) by more than 100.
- (5) An increase in floor area or height proposed for non-residential use by more than 10 percent;
- (6) A reduction of more than 10 percent of the area reserved for common open space; or
- (7) Change to a condition of approval that was specifically applied to this approval (i.e. not a "standard condition"), or a change similar to items (1)-(2) as determined by the Review Authority.

**STAFF ANALYSIS:** While the proposed modification does not exceed the threshold criteria listed in subsections 1-6 above, the original application SP 12-01 and subsequent approval, specifically the design standards within the Old Town Overlay were based on the representation that the original machine works building would be retrofitted and remodeled into a new Community Center. That building had it's own set of challenges in satisfying the design criteria, and the resulting conditions were based on that representation. Staff determined that because of the demolition of that building and an a brand new design, that conditions that would have applied to the machine works building would need to be modified, and that a major modification review under criteria (7) above was warranted given the community interest in this project. A thorough analysis of the buildings compliance with the Old Town Design Standards and the original pattern book approved as part of the Cannery Square Planned Unit Development was warranted.

**FINDING:** Given that the original conditions related to the design of the building were crafted around the retrofit of a pre-existing building that was subsequently deemed dangerous and demolished, it was determined that a major modification review was warranted for this application.

- A. The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.**

**FINDING:** As discussed earlier in this report, the scope of this review is limited to what changes are being proposed. In this case, the changes are simply to the building and hardscapes immediately surrounding the building. Only the applicable standards that would apply to the proposed changes are addressed in detail throughout this report. The provisions of 16.22 Commercial Land Use Districts, 16.58 Clear Vision, 16.84 Variances, 16.90 Site Planning, 16.92 Landscaping, 16.146 Noise, 16.148 Vibrations, 16.150 Air Quality, 16.152 Odors, 16.154 Heat and Glare, 16.156 Energy Conservation, and 16.162 Old Town Overlay Distr. As proposed, this standard can be met as discussed and conditioned in this report.

- B. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.**

Water, sanitary and streets are all available. They were provided as a part of the Cannery PUD. Parks and Open Space are nearby at Stella Olsen Park and across Pine Street at the public plaza constructed as part of the Cannery PUD. Solid waste services, communication and public safety are all available to this development as it is located in Old Town Sherwood.

**FINDING:** Services are available to the site. This standard is satisfied.

- C. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.**

**FINDING:** This site plan is subject to the conditions of the approved Planned Unit Development. Any required covenants or restrictions will be required to be satisfied as an ongoing condition of PUD 09-01.

- D. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.**

**FINDING:** The site where the community building is proposed is flat and currently graveled. There are not any known significant natural resource areas on the property.

- E. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.080 Highway 99W Capacity Allocation Program, unless excluded herein.**

**FINDING:** The subject properties are located within the Old Cannery portion of the Old Town Overlay, therefore, this criterion is not applicable.

- F. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant shall provide**

adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate for impacts attributable to the project. The determination of impact or effect and the scope of the impact study shall be coordinated with the provider of the affected transportation facility.

**FINDING:** The building program and footprint are consistent with what was previously approved in SP 12-01. Based on the review letter from Chris Maciejewski, P.E. of DKS and Associates, the City's traffic consultant, dated February 27, 2012 a traffic impact analysis is not necessary since the anticipated number of trips associated with the building was expected to be less than 400 Average Daily Trips (ADT). This standard is not applicable to this modification.

- G. The proposed office, retail multi-family institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:**
- 1. Primary, front entrances shall be located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.**
  - 2. Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.**
  - 3. The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding shall be prohibited. Street facing elevations shall have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain shall be installed unless other architectural elements are provided for similar protection, such as an arcade.**

**FINDING:** This proposal is located within the cannery portion of the Old Town Overlay; therefore, the Old Town standards supersede the above criteria. The proposed development is also subject to the approved pattern book of the Cannery PUD. Both the Old Town Overlay standards and the standards as outlined in the approved pattern book have been discussed in greater detail later in this report.

## **V. APPLICABLE CODE PROVISIONS**

The applicable zoning district standards are identified in Chapter 16.28 below.

- A. Division II– Land Use and Development**  
**The applicable provisions of Division II include:**

### **16.28 Retail-Commercial**

**Subject to the provisions in 16.28.020 and 030 the following uses and their accessory uses are permitted outright and Conditional.**

**16.28.020.A. Professional services, including but not limited to financial, medical and dental, social services, real estate, legal, artistic and similar uses.**

**16.28.020.B. General retail trade...**

**16.28.020.C. Personal and business services, including daycares, preschools, and kindergartens.**

**16.28.020.J. Restaurants, taverns, and lounges.**

**16.28.030.G. Public use buildings including, but not limited to libraries, museums, community centers, and senior centers.**

**FINDING:** The proposed use of the building as a mixed-use community center was approved under SP12-01. The Community Center required a conditional use. The proposed uses are permitted outright or conditionally in the underlying zones. While a specific tenant for the retail space still has not been identified with this application, planning staff will ensure that proposed uses are consistent with permissible uses at such time that tenant improvements are requested.

**16.28.040 Dimensional Standards**

**No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84.**

**A. Lot Dimensions**

**Except as otherwise provided, required minimum lot areas and dimensions shall be:**

1.	<b>Lot area:</b>	<b>5,000 sq ft</b>
2.	<b>Lot width at front property line:</b>	<b>40feet</b>
3.	<b>Lot width at building line:</b>	<b>40 feet</b>

**B. Setbacks**

**Except as otherwise provided, required minimum setbacks shall be:**

1.	<b>Front yard:</b>	<b>None, unless abutting residential zone (20 ft.)</b>
2.	<b>Side yard:</b>	<b>None, unless abutting residential zone (10 ft.)</b>
3.	<b>Rear yard:</b>	<b>None, unless abutting residential zone (10 ft.)</b>

**FINDING:** The dimensions of the previously approved lots remain the same, and as found previously, are consistent with the minimum dimensions listed above. The building is proposed in the same footprint as the building that had to be demolished. Consistent with PUD 09-01 approval, the building would not be subject to any additional setbacks. As proposed, the development satisfies the minimum lot dimensions of the zone.

**C. Height**

Except as otherwise provided, the maximum height of structures shall be fifty (50) feet, except that structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area. Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Chapter 16.82.

**FINDING:** The Machine Works building was approximately 25 feet tall. The new elevation proposes a building that will be approximately 26 feet tall. The adjacent residential zone limits height to 35 feet or 2.5 stories. As proposed, the structure on site will be well below the permitted maximum. This criterion is satisfied.

**16.58 Supplementary Standards**

**16.58.010 Clear Vision Areas**

- A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway. (Ord. 96-1014 § 1; 86-851)**
- B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides. (Ord. 86-851 § 3)**
- C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2-1/2) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground. (Ord. 86-851 § 3)**

The following requirements shall govern clear vision areas:

- 2. In a commercial zone, the minimum distance shall be fifteen (15) feet, or at intersections including an alley, ten (10) feet.**

**FINDING:** The proposed building is within the previously approved footprint with the exception of that portion that was previously within the right-of-way in the southeast corner. The proposed building has been located outside of the right-of-way with this design. As proposed, the building does not include any new structures or proposed landscaping that appear to obstruct the clear vision areas prescribed in Section 16.58. This criterion is satisfied by the proposed development.

## **16.84 VARIANCES**

### **Class A Variances**

#### **1. Generally**

- a. The Class A variance procedure may be used to modify a standard for three (3) or fewer lots, including lots yet to be created through a partition process.**

**FINDING:** The proposal does not involve more than 3 lots. This criterion is not applicable.

- b. An applicant who proposes to vary a standard for lots yet to be created through a subdivision process may not utilize the Class A variance procedure. Approval of a Planned Unit Development shall be required to vary a standard for lots yet to be created through a subdivision process, where a specific code section does not otherwise permit exceptions.**

**FINDING:** The proposal does not involve division of property. This criterion is not applicable.

- c. A Class A Variance shall not be approved that would vary the "permitted, conditional or prohibited uses" of a land use district.**

**FINDING:** The proposed variance is not a request to vary the permitted, conditional, or prohibited uses of the district. This criterion is not applicable.

- 2. Approval Process: Class A Variances shall be processed using a Type IV procedure, as governed by Chapter 16.84, using the approval criteria in subsection 3, below. In addition to the application requirements contained in Chapter 16.72.010, the applicant shall provide a written narrative describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.**

**FINDING:** The applicant provided a narrative addressing the provisions of subsection 3 of 16.84.030(C), and the application is currently being reviewed through a Type IV procedure consistent with this requirement. This criterion is satisfied.

- a. The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;**

**FINDING:** The proposed variance is to the Ground Floor Window requirements of 16.162.080.H which is discussed in greater detail below. There is no evidence within the record to suggest that the proposed variance will be materially detrimental to the purposes of the code, any other applicable policies and standards, or to other properties within the same land use district or vicinity. This criterion is satisfied.

- b. A hardship to development exists which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which**

**the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);**

**FINDING:** The size and shape of the lot are not material to this request; however, the site is surrounded on three sides by public right-of-way, which is a circumstance in this area that is not applicable to other properties in the vicinity. The site has frontage onto SW Pine, SW Columbia, and SW Washington Streets. The applicant has no control over these circumstances as the streets were already in place prior to the application. This criterion is satisfied.

**c. The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;**

**FINDING:** The proposed use is for a Community Center which includes a theater, community classroom, and mixed retail. The applicant proposes to satisfy the ground floor window requirements on two of the four sides of the building, which are arguably the sides of the building that would be most accessible to the general public. The other two sides of the building would not satisfy the requirement, and the applicant has thoroughly described the limitations that the use imposes on such requirement on pages 7-14 of the applicant's narrative. This criterion is satisfied.

**d. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;**

**FINDING:** There are no sensitive areas on or near the site, and as proposed, the development would not be expected to adversely affect any physical and natural systems. The code standard proposed to be varied has no impact on the physical or natural systems of the City. Rather, it is a standard intended to improve the aesthetics of the building and to make the use a more inviting use to the general public. It also serves to provide "eyes on the street" as a deterrent to criminal activity. This criterion is satisfied.

**e. The hardship is not self-imposed; and**

**FINDING:** Section 16.162.080.H. (Ground Floor Windows) requires that windows occupy at least 50% of the length and 25% of the total ground level wall area. Ground level wall areas include all exterior wall areas up to nine feet above the finished grade. The standard does not apply to residential uses or parking structures where landscaping is provided. As discussed above, the applicant has no control over the limitations placed on the property by having three street frontages, but because the building is no longer a retrofit, the addition of the windows to the building is subjective.

In this instance, the applicant has argued that the standard does not apply to the building given the fact that consideration was given to this standard by the approved Architectural Pattern Book approved as part of the Cannery PUD 09-01. Staff agrees that the

standard was considered, but only in light of maintaining and retrofitting an existing building. The use itself, a theater, is not inherently expected to provide windows except where the public arrives; however, there is a retail component to the use located along Pine Street, and partially along SW Columbia Street. In these locations, the applicant is proposing to satisfy the requirement. The hardship is not self-imposed if all of the factors relating to the use and the need to operate and maintain the use are considered.

**f. The variance requested is the minimum variance that would alleviate the hardship.**

**FINDING:** The proposed variance to the provision of windows along 50% of the elevations fronting SW Columbia and SW Washington are necessitated by the use of the building as a theater and a need to provide loading and service entrances for the building. The applicant is meeting the standard where the building is dedicated to retail, and certainly providing windows to this standard on all four elevations would be counterproductive to the operation of the facility. This is the minimum variance required in order to realize the current design and alleviate the hardship as discussed previously in this report. This criterion is satisfied.

**Division V- Community Design**

**The applicable provisions of Chapter 5 include: 16.90 (Site Planning), 16.92 (Landscaping), 16.94 (Off-street parking and Loading), and 16.96 (On-site Circulation). 16.98**

**Compliance with the applicable standards where modification to the original design is proposed are discussed below:**

**16.92 Landscaping**

**16.92.010 Landscape Plan**

**All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan which meets the standards of this chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan. Maintenance of existing not-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.**

**FINDING:** The applicant is proposing to remove three trees and four groundcover areas that were located within what is called the paseo. In these cases, the removed landscape areas have been replaced with hardscape including a walkway, and paved courtyard. This standard is met.

**16.92.030 Landscaping Standards**

**B. Parking and Loading Areas**

**1. Total Landscaped Area**

**A minimum of ten percent (10%) of the lot area used for the display or parking of vehicles shall be landscaped in accordance with Section 16.92. In addition, all areas not covered by buildings, required parking, and/or circulation drives shall be landscaped with plants native to the Pacific Northwest in accordance with Section 16.92.020.**

**FINDING:** Under the prior approval, the applicant satisfied the minimum 10% landscaping requirement. The Community Center lot in either configuration was able to satisfy the requirement by providing 23% for an alternative that did not provide a drive thru, and 21% with a plan that would have provided a drive-thru. It is not clear how removal of the landscape areas would affect those numbers and the applicant did not provide landscape areas on the plan. Therefore, this criterion is not satisfied, and a condition is warranted to ensure that the plan still complies with the landscape standards of the SZCDC 16.92.030.

**RECOMMENDED CONDITION:** Prior to the issuance of building permits, the applicant shall provide planning staff with a comprehensive landscape plan that includes area calculations and a discussion of how the landscape requirements are satisfied.

**2. Adjacent to Public Rights-of-Way**

**A landscaped strip at least ten (10) feet in width shall be provided between rights-of-way and any abutting off street parking, loading, or vehicle use areas. Landscaping shall include any combination of evergreen hedges, dense vegetation, earth berm, grade, and change in grade, wall or fence, forming a permanent year-round screen, excepting clear vision areas as per Section 16.58.030.**

**FINDING:** The community center parking lot proposals provide ten feet of landscaping between the right of way and off-street parking. This standard is met.

**3. Perimeter Landscaping**

**A ten (10) foot wide landscaped strip shall be provided between off-street parking, loading, or vehicular use areas on separate abutting properties or developments. A minimum six (6) foot high sight-obscuring fence or plantings shall also be provided, except where equivalent screening is provided by intervening buildings or structures.**

**FINDING:** The community center site satisfies this requirement by providing a ten foot landscape buffer along SW Washington Street. This criterion is satisfied.

**4. Interior Landscaping**

**A minimum of fifty percent (50%) of required parking area landscaping shall be placed in the interior of the parking area. Landscaped areas shall be distributed so as to divide large expanses of pavement, improve site appearance, improve safety, and delineate pedestrian walkways and traffic lanes. Individual landscaped areas shall be no less than sixty-four (64) square feet in area and shall be provided after every fifteen (15) parking stalls in a row. Storm water bio-swales may be used in lieu of the interior landscaping standard.**

**FINDING:** The applicant has proposed interior landscaping in both parking lots including the drive-thru alternative for the community center parking lot, but is proposing to eliminate some of the landscaping area adjacent to the parking area. Without a comprehensive landscape plan, and discussion by the applicant, staff is not able to verify that the standard remains satisfied. A condition of approval is being recommended above to ensure that the site complies with the applicable landscape requirements as described above.

**5. Landscaping at Points of Access**

**When a private access way intersects a public right-of-way or when a property abuts the intersection of two (2) or more public rights-of-way, landscaping shall be planted and maintained so that minimum sight distances shall be preserved pursuant to Section 16.58.010.**

**FINDING:** The points of access and previously approved landscaping at these locations is not affected by this modification. This standard is met.

**16.94. Off-Street Parking and Loading (relevant sections)**

**16.94.020 C. Bicycle Parking Facilities**

- 1. Location and Design.** Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). Bike parking may be located inside the main building or protected or otherwise covered near the main entrance. If the first two options are unavailable, a separate shelter provided on-site is appropriate as long as it is coordinated with other street furniture such as benches, street lights, planters and other pedestrian amenities. Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" design is appropriate. Alternative, creative designs are strongly encouraged.
- 2. Visibility and Security.** Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
- 3. Options for Storage.** Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.
- 4. Lighting.** Bicycle parking shall be least as well lit as vehicle parking for security.
- 5. Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- 6. Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

**FINDING:** The code requires a minimum of 2 bike parking for community services, or 1 per 20 auto spaces, whichever is greater. The maximum amount of parking proposed is 134 spaces which will require 7 bike spaces. Under the prior approval, the applicant proposed to satisfy this requirement by providing four, 2-bike racks under the building canopy at the northeastern area of the building near the Community Center entrance. The modified plan, specifically sheet L1.01 only shows two bike racks which is different from what was approved. The location of the bike racks, while still convenient, secure and well lit is fine, but staff needs to review details of the proposed racks to ensure that

at least 7 bike parking spaces are provided. This standard is not met, and the following condition is recommended.

**RECOMMENDED CONDITION:** Prior to the issuance of building permits, the applicant shall provide the Planning Department with details of the proposed bicycle racks to ensure that they are designed to accommodate a minimum of 7 bicycles.

### **16.146. Noise**

#### **16.146.020 - Noise Sensitive Uses**

**When proposed commercial and industrial uses do not adjoin land exclusively in commercial or industrial zones, or when said uses adjoin special care, institutional, or parks and recreational facilities, or other uses that are, in the City's determination, sensitive to noise impacts, then:**

- A. The applicant shall submit to the City a noise level study prepared by a professional acoustical engineer. Said study shall define noise levels at the boundaries of the site in all directions.**
- B. The applicant shall show that the use will not exceed the noise standards contained in OAR 340-35-035, based on accepted noise modeling procedures and worst case assumptions when all noise sources on the site are operating simultaneously.**
- C. If the use exceeds applicable noise standards as per subsection B of this Section, then the applicant shall submit a noise mitigation program prepared by a professional acoustical engineer that shows how and when the use will come into compliance with said standards.**

**FINDING:** It is not anticipated that there will be high levels of noise beyond what is expected in an urban area. Since the site has been used for a machine works building in the past it is possible that the noise level could decrease as a result of improved acoustics associated with the theater design. As proposed, there will be no adverse impacts therefore this standard is met.

### **16.148 Vibrations**

#### **16.148.010 - Vibrations**

**All otherwise permitted commercial, industrial, and institutional uses shall not cause discernible vibrations that exceed a peak of 0.002 gravity at the property line of the originating use, except for vibrations that last five (5) minutes or less per day, based on a certification by a professional engineer.**

**FINDING:** It is not anticipated that there will be high levels of vibration beyond what is expected in an urban area. There are not any expected adverse impacts therefore this standard is met.

### **16.150 Air Quality**

#### **16.150.010 – Air Quality**

All otherwise permitted commercial, industrial, and institutional uses shall comply with applicable State air quality rules and statutes:

- A. All such uses shall comply with standards for dust emissions as per OAR 340-21-060.
- B. Incinerators, if otherwise permitted by Section 16.140.020, shall comply with the standards set forth in OAR 340-25-850 through 340-25-905.
- C. Uses for which a State Air Contaminant Discharge Permit is required as per OAR 340-20-140 through 340-20-160 shall comply with the standards of OAR 340-220 through 340-20-276.

**FINDING:** It is not anticipated that there will be high levels of air pollution beyond what is expected in an urban area. There are not any expected adverse impacts therefore this standard is met.

### **16.152 Odors**

#### **16.152.010 - Odors**

All otherwise permitted commercial, industrial, and institutional uses shall incorporate the best practicable design and operating measures so that odors produced by the use are not discernible at any point beyond the boundaries of the development site.

**FINDING:** It is not anticipated that there will be high levels of odor or unusual beyond what is expected in an urban area. There are not any expected adverse impacts therefore this standard is met.

### **16.54 Heat and Glare**

#### **16.154.010 – Heat and Glare**

Except for exterior lighting, all otherwise permitted commercial, industrial, and institutional uses shall conduct any operations producing excessive heat or glare entirely within enclosed buildings. Exterior lighting shall be directed away from adjoining properties, and the use shall not cause such glare or lights to shine off site in excess of one-half (0.5) foot candle when adjoining properties are zoned for residential uses.

**FINDING:** The modified lighting plan, sheet L.1.05, illustrates lighting which exceeds the 0.5 foot candle on site; however, the proposed lighting is not projecting onto properties zoned for residential uses. The community center lighting does not extend past the building or the water quality area therefore the lighting at the community center parking lot is not anticipated to impact the neighboring residential properties to the south of the site. This criterion is satisfied.

### **16.162 – Old Town Overlay District**

#### **16.162.030.G Permitted Uses**

**Offices of architects, artists, attorneys, dentists, engineers, physicians, accountants, consultants and similar professional services are permitted outright in the Old Town Overlay, provided such uses meet the applicable environmental performance standards contained in Chapter 8.**

**FINDING:** The proposed development is for a mixed use community center. That use was approved as a Conditional Use CUP12-01. This criterion is not applicable to the proposed development.

#### **Chapter 16.162.070 – Community Design**

**Standards relating to off-street parking and loading, environmental resources, landscaping, historic resources, access and egress, signs, parks and open space, on-site storage, and site design as per Divisions V, VIII and this Division shall apply, in addition to the Old Town design standards below:**

##### **A. Off-Street Parking**

**For all property and uses within the "Smockville Area" of the Old Town Overlay District off-street parking is not required. For all property and uses within the "Old Cannery Area" of the Old Town Overlay District, requirements for off-street automobile parking shall be no more than sixty-five percent (65%) of that normally required by Section 16.94.020. Shared or joint use parking agreements may be approved, subject to the standards of Section 16.94.010.**

**FINDING:** The Community Center Building is located within the Old Cannery Area. Parking is not affected by this proposal. This criterion is not applicable.

##### **D. Off-Street Loading**

- 1. Off-street loading spaces for commercial uses in the "Old Cannery Area" may be shared and aggregated in one or several locations in a single block, provided that the minimum area of all loading spaces in a block, when taken together, shall not be less than sixty-five percent (65%) of the minimum standard that is otherwise required by Section 16.94.030B.**
- 2. For all property and uses within the "Smockville Area" of the Old Town Overlay District, off-street loading is not required.**

**FINDING:** There is already an approved 10 foot by 25 foot loading area immediately north of the proposed community center, and an additional loading area is proposed behind the new building. A standard loading space is required to be 10 feet by 25 feet. This criterion is satisfied.

- E. Signs - In addition to signs otherwise permitted for home occupations, as per Section 16.42.010, one (1) non-illuminated, attached, exterior sign, up to a maximum of nine (9) square feet in surface area, may be permitted for each approved home occupation.**

**FINDING:** Signage is not proposed as part of this modification. This criterion is not applicable to the proposed development, however a sign permit will be required when signage is proposed.

- F. Non-conforming Uses - When a nonconforming lot, use, or structure within the OT overlay zone has been designated a landmark as per Chapter 16.166, or when a nonconforming lot within the OT overlay zone is vacant, and the proposed change will, in the City's determination, be fully consistent with the goals and standards of the OT overlay zone and other City guidelines to preserve, restore, and enhance historic resources, nonconforming use restrictions contained in Chapter 16.48 may be waived by the Commission.**

**FINDING:** This criterion is not applicable to the proposed modification.

- G. Downtown Street Standards - All streets shall conform to the Downtown Street Standards in the City of Sherwood Transportation System Plan and Downtown Streetscape Master Plan, and as hereafter amended. Streetscape improvements shall conform to the Construction Standards and Specifications, and as hereafter amended.**

**FINDING:** All of the existing streets, with the exception of a portion of Washington Street were reconstructed with the Cannery Square PUD 09-01 and meet the standards of this section. A condition of approval for the improvement of Washington Street was imposed in the approval for SP12-01.

- H. Color - The color of all exterior materials shall be earth tone. A color palette shall be submitted and reviewed as part of the land use application review process and approved by the hearing authority.**

**FINDING:** The proposed development is subject to the pattern book that was approved as part of the PUD 09-01, revised, and finally approved with File No. SP10-02/CUP 10-01, the Plaza phase of the PUD. The applicant has provided a materials and color board to illustrate that all exterior materials will be consistent with the pattern book and this standard. This criterion is satisfied.

#### **16.162.080.A Building Placement and the Street.**

**The purpose of this standard is to create an attractive area when commercial or mixed-use structures are set back from the property line. Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and the street.**

**Structures built to the street lot line are exempt from the requirements of this subsection.**

**FINDING:** The proposed building is constructed to the street lot lines adjacent to SW Pine and SW Columbia Street, and between the street right of way and an existing stormwater pond adjacent to SW Washington Street. This building location was approved with the final PUD approval and reflected in the final approved architectural pattern book. This criterion is satisfied.

**16.162.080.B. Reinforce the Corner.**

The purpose of this standard is to emphasize the corners of buildings at public street intersections as special places with high levels of pedestrian activity and visual interest. On structures with at least two frontages on the corner where two city walkways meet, the building must comply with at least two of these options.

**Option 1:** The primary structures on corner lots at the property lines must be at or within 6 feet of both street lot lines. Where a site has more than one corner, this requirement must be met on only one corner.

**Option 2:** The highest point of the building's street-facing elevations at a location must be within 25 feet of the corner.

**Option 3:** The location of a main building entrance must be on a street-facing wall and either at the corner, or within 25 feet of the corner.

**Option 4:** There is no on-site parking or access drives within 40 feet of the corner.

**Option 5:** Buildings shall incorporate a recessed entrance(s) or open foyer(s), a minimum of 3 feet in depth to provide architectural variation to the facade. Such entrance(s) shall be a minimum of ten percent (10%) of the ground-floor linear street frontage.

**FINDING:** As stated in the Architectural Pattern Book and approved as part of the Cannery Square PUD 09-01, revised, and finally approved with File No. SP10-02/CUP 10-01, the Community Center will be designed to reinforce the northeast corner of the building by ensuring that the highest point on its street facing elevation will be within 25-feet of the corner, and that there will be an entry within 25-feet of the corner. The architectural elevations illustrate that both of these conditions have been met. In the southeast corner of the building, the applicant is proposing a corner that is reinforced with a storefront entry and display windows all within 6 feet of the intersection of SW Pine Street and SW Columbia Street. The only item separating these corners from the street is the public sidewalk. This criterion is satisfied.

**16.162.080.C. Residential Buffer.**

The purpose of this standard is to provide a transition in scale where the Old Cannery Area is adjacent to a lower density residential zone, outside the District. Where a site in the Old Cannery Area abuts or is across a street from a residential zone, the following is required:

1. On sites that directly abut a residential zone the following must be met:
  - a. In the portion of the site within 25 feet of the residential zone, the building height limits are those of the adjacent residential zone; and,
  - b. A 6-foot deep area landscaped with, at a minimum, the materials listed in Section 16.92.030B is required along the property line abutting or across the street from the lower density residential zone. Pedestrian and bicycle access is allowed, but may not be more than 6 feet wide.

**FINDING:** There are residentially zoned properties to the west and south of the site. The applicant is proposing to maintain the existing landscape along both frontages. The landscaping along the west frontage is provided by a pre-existing stormwater pond with mature trees in it. Along the south side of the proposed building there is planter islands along with a six foot sidewalk that would separate the building from the planter islands and parking. This criterion is satisfied.

#### **16.162.080.D. Main Entrance.**

**The purpose of this standard is to locate and design building entrances that are safe, accessible from the street, and have weather protection.**

- 1. Location of main entrance. The main entrance of the principal structure must face a public street (or, where there is more than one street lot line, may face the corner). For residential developments these are the following exceptions:**
  - a. For buildings that have more than one main entrance, only one entrance must meet this requirement.**
  - b. Entrances that face a shared landscaped courtyard are exempt from this requirement.**
- 2. Front porch design requirement. There must be a front porch at the main entrance to residential portions of a mixed-use development, if the main entrance faces a street. If the porch projects out from the building it must have a roof. If the roof of a required porch is developed as a deck or balcony it may be flat, otherwise it must be articulated and pitched. If the main entrance is to a single dwelling unit, the covered area provided by the porch must be at least six (6) feet wide and six (6) feet deep. If the main entrance is to a porch that provides the entrance to two or more dwelling units, the covered area provided by the porch must be at least 9 feet wide and 8 feet deep. No part of any porch may project into the public right-of-way or public utility easements, but may project into a side yard consistent with Section 16.60.040.**

**FINDING:** As proposed, the building will reinforce the Northeast corner and provide a main retail tenant entry within 6-feet of the southeast corner along SW Pine Street. This is consistent with the approved pattern book. In addition, the uses are required to have their primary entrance facing the hardscaped and landscaped area on the north side of the building (facing the adjacent West building). The architectural elevations illustrate this condition. The main Sherwood Community Center entry faces the paseo and directs the majority of the foot traffic into Old Town which is the intent of this regulation. This criterion is satisfied.

#### **16.162.080.E. Off-Street Parking and Loading Areas.**

**The purpose of this standard is to emphasize the traditional development pattern in Old Town where buildings connect to the street, and where off-street vehicular parking and loading areas are of secondary importance.**

- 1. Access to off-street parking areas and adjacent residential zones - Access to off-street parking and loading areas must be located at least twenty (20) feet from any adjacent residential zone.**

2. **Parking lot coverage - No more than fifty percent (50%) of the site may be used for off-street parking and loading areas.**
3. **Vehicle screening - Where off-street parking and loading areas are across a local street from a residential zone, there must be a 6-foot wide landscaped area along the street lot line that meets the material requirements in Section 16.92.020B.**

**FINDING:** The proposed development provides access to the site utilizing the existing accesses, and the proposed parking was reviewed, considered, and approved as part of SP12-01. The applicant is not proposing to modify the previously approved parking design; therefore, this criterion is not applicable.

#### **16.162.080.F. Exterior Finish Materials.**

**The purpose of this standard is to encourage high quality materials that are complementary to the traditional materials used in Old Town.**

**1. Plain or painted concrete block, plain concrete, corrugated metal, full-sheet plywood, fiberboard or sheet pressboard (i.e. T-111), vinyl and aluminum siding, and synthetic stucco (i.e. DryVit and stucco board), are not allowed as exterior finish material, except as secondary finishes if they cover no more than ten percent (10%) of a surface area of each facade and are not visible from the public right-of-way. Natural building materials are preferred, such as clapboard, cedar shake, brick, and stone. Composite boards manufactured from wood in combination with other products, such as hardboard or fiber cement board (i.e. HardiPlank) may be used when the board product is less than six (6) inches wide. Foundation materials may be plain concrete or block when the foundation material does not extend for more than an average of three (3) feet above the finished grade level adjacent to the foundation wall.**

**2. Where there is an exterior alteration to an existing building, the exterior finish materials on the portion of the building being altered or added must visually match the appearance of those on the existing building. However, if the exterior finishes and materials on the existing building do not meet the standards of subsection F.1 above, any material that meets the standards of subsection F.1 may be used.**

**FINDING:** According to the applicant, "The Community Center building will comply with this standard. The retail portion is design to be complimentary but distinct from the Community Center. The retail portion is clad in modified cement plaster with brick accent panels and metal trim, a contrasting metal coping and stone base detail. On the Community Center portion, the lobby volume is clad in brick to reinforce it's prominence and reference brick buildings in Old Town. The balance of the Community Center is clad in a warm-tone ground face block. On higher walls (the main assembly space) metal cladding is used to break down the scale and add detail. Because the south and west elevations are not as visible from Pine Street, the Plaza, or Old Town, the ground face block material provides a handsome durable finish."

The standards that were approved in the Architectural Pattern Book indicate the following standards:

Where new walls are built: The exterior material shall be consistent with the requirement for the south, west, east and northeast phase buildings

Where existing walls are restored: Walls may be painted, covered in stucco, or by any other material consistent with paragraph F.1. above.

The existing exposed concrete foundations may remain as exposed concrete or be repainted even if more than 3-feet is currently exposed.

As illustrated on the plans, and shown on the Exterior Materials and Colors Board (Exhibit B) and discussed within the narrative, the applicant has satisfied this condition with the proposed improvements.

#### **16.162.080.G. Roof-Mounted Equipment.**

**The purpose of this standard is to minimize the visual impact of roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communications equipment, must be screened using one of the methods listed below. Solar heating panels are exempt from this standard.**

- 1. A parapet as tall as the tallest part of the equipment.**
- 2. A screen around the equipment that is as tall as the tallest part of the equipment.**
- 3. The equipment is set back from the street-facing perimeters of the building 3 feet for each foot of height of the equipment. On corner lots with two street facing areas, all equipment shall be centered.**

**FINDING:** The applicant has indicated that all roof mounted equipment will be screened by parapet walls and other screens constructed of materials that “complement” the other wall treatments. This criterion can be satisfied by meeting conditions that were imposed in SP 12-01. Specifically, that condition states, “Prior to final site plan approval, the applicant shall ensure that any new roof mounted equipment is screened consistent with the provisions of Section 16.162.080.G.1-3.” Given their response and the new design it is feasible that this standard could be easily met.

#### **16.162.080.H. Ground Floor Windows.**

**The purpose of this standard is to encourage interesting and active ground floor uses where activities within buildings have a positive connection to pedestrians in Old Town. All exterior walls on the ground level which face a street lot line, sidewalk, plaza or other public open space or right-of-way must meet the following standards:**

- 1. Windows must be at least fifty percent (50%) of the length and twenty-five percent (25%) of the total ground-level wall area. Ground-level wall areas include all exterior wall areas up to nine (9) feet above the finished grade. This requirement does not apply to the walls of residential units or to parking structures when set back at least five (5) feet and landscaped to at least the Section 16.92.030C standard.**
- 2. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. The**

**bottom of the windows must be no more than four (4) feet above the adjacent exterior grade.**

**FINDING:** The applicant has requested a variance to this standard, and has also made a case that the variance was necessary since this standard was discussed in the Architectural Pattern Book approved with the Cannery Square PUD 09-01. As proposed, the Community Center will not fully comply with the standards listed above. The north and east elevations meet the percentage of glazing requirements. The south and west elevations face a parking lot and the loading and mechanical areas for the building so they do not have a large amount of glazing.

It is important to note that staff believes that the approved architectural pattern book anticipated that the proposal would not satisfy this standard because the building was a retrofit of a pre-existing building. The applicant is now proposing a new building. As discussed previously in this report, staff believes that the variance is justified by a condition of being surrounded by three streets and the inherent nature of the use. As proposed and designed the proposed development will meet the intent of the code language by promoting the building along the primary pedestrian streets and corridors where a lot of activity is expected. It is equally important to note that staff would make the same recommendation regardless of whether or not the applicant was a public entity or a private developer given the challenges associated with the use and the site.

#### **16.162.080.I. Distinct Ground Floor.**

**The purpose of this standard is to emphasize the traditional development pattern in Old Town where the ground floor of buildings is clearly defined. This standard applies to buildings that have any floor area in non-residential uses. The ground level of the primary structure must be visually distinct from upper stories. This separation may be provided by one or more of the following:**

- 1. A cornice above the ground level.**
- 2. An arcade.**
- 3. Changes in material or texture; or**
- 4. A row of clerestory windows on the building's street-facing elevation.**

**FINDING:** The proposed building is largely a single-story structure. In locations where the building is provided with a distinct second story, the applicant is proposing a narrow horizontal band of windows facing east. The exterior materials and color boards also illustrate a difference in materials that clearly delineates the second floor from the first floor by a change in materials and trims. This criterion is satisfied.

#### **16.162.080.J. Roof.**

**The purpose of this standard is to encourage traditional roof forms consistent with existing development patterns in Old Town. Roofs should have significant pitch, or if flat, be designed with a cornice or parapet. Buildings must have either:**

- 1. A sloped roof with a pitch no flatter than 6/12; or**

- 2. A roof with a pitch of less than 6/12 and a cornice or parapet that meets the following:**
- a. There must be two parts to the cornice or parapet. The top part must project at least six (6) inches from the face of the building and be at least two (2) inches further from the face of the building than the bottom part of the cornice or parapet.**
  - b. The height of the cornice or parapet is based on the height of the building as follows:**
    - (1) Buildings sixteen (16) to twenty (20) feet in height must have a cornice or parapet at least twelve (12) inches high.**
    - (2) Buildings greater than twenty (20) feet and less than thirty (30) feet in height must have a cornice or parapet at least eighteen (18) inches high.**
    - (3) Buildings thirty (30) feet or greater in height must have a cornice or parapet at least twenty-four (24) inches high.**

**FINDING:** The applicant is proposing to provide parapet and parapet caps in all areas of the building, but staff is unable to verify compliance with the empirical standards of this criterion with the information provided. This criterion is not satisfied, and the following condition is recommended.

**RECOMMENDED CONDITION:** Prior to the issuance of building permits, the applicant shall provide a detailed elevation of the building along that illustrates that the proposed parapets satisfy the standards of 16.162.080.J.2. a and b.

#### **16.162.080.K. Base of Buildings.**

**Buildings must have a base on all street-facing elevations. The base must be at least two (2) feet above grade and be distinguished from the rest of the building by a different color and material.**

**FINDING:** The building elevations do not appear to satisfy this requirement. See sheets A3.01 and A3.02. As proposed, the elevations facing the streets only provide a base along portions of the building, and the applicant did not speak to this criterion in the narrative. This criterion is not satisfied, and the following condition is recommended.

**RECOMMENDED CONDITION:** Prior to the issuance of building permits, the applicant shall provide a detailed elevation of the building along that illustrates that the proposed parapets satisfy the standards of 16.162.080.K.

#### **16.162.080.L. Height Bonus**

**A five foot height bonus shall be granted if at least two of the following amenities are included in the overall design:**

- 1. Awnings or Marquees subject to Section 16.162.090 — Commercial Standard.**
- 2. Public art installation subject to Cultural Arts Commission and City Council approval.**

- 3. Additional public bike parking: 1 additional space per residential unit.**
- 4. A courtyard or plaza facing the street open to the public subject to Commission approval.**

**FINDING:** The applicant is not requesting a height bonus as part of this proposal; therefore, this criterion is not applicable to the proposed development.

**DECISION**

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's revised submittal, staff finds that the requested approvals do not fully comply with the standards but can be conditioned to comply. Therefore, staff recommends **approval of File Nos: SP 13-02/VAR 13-01 with the recommended conditions below.**

**VI. CONDITIONS OF APPROVAL**

**A. General Conditions**

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. This land use approval shall continue to substantially comply with the submitted preliminary site plans dated January 17, 2012 prepared by HHPR Engineering except as modified by this approval, and as indicated in the following conditions.
3. The developer/owner/applicant is responsible for all costs associated with private/public facility improvements.
4. **This approval is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. An on-going condition of the approval is that the site be maintained in accordance with the approved site plan. In the event that landscaping is not maintained, in spite of the assurances provided, this would become a code compliance issue.
6. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
7. A temporary use permit must be obtained from the Planning Department prior to placing a construction trailer on-site.
8. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.
9. The applicant shall continue to comply with the conditions of approval which were established as a part of the PUD 09-01.

**B. Prior to Issuance of a Building Permit:**

1. Prior to the issuance of building permits, the applicant shall provide planning staff with a comprehensive landscape plan that includes area calculations and a discussion of how the landscape requirements are satisfied.
2. Prior to the issuance of building permits, the applicant shall provide the Planning Department with details of the proposed bicycle racks to ensure that they are designed to accommodate a minimum of 7 bicycles.
3. Prior to the issuance of building permits, the applicant shall provide a detailed elevation of the building along that illustrates that the proposed parapets satisfy the standards of 16.162.080.J.2. a and b.

4. Prior to the issuance of building permits, the applicant shall provide a detailed elevation of the building along that illustrates that the proposed parapets satisfy the standards of 16.162.080.K.6.
  5. The applicant shall provide evidence in writing from the fire marshal that the requirements within his comments have been satisfied by the proposed development.
- C. Prior to Final Inspection of the Building Official & Certificate of Occupancy:**
1. All public improvements shall be competed, inspected and approved, as applicable, by the City, CWS, TVF & R, TVWD and other applicable agencies.
  2. All agreements required as conditions of this approval must be signed and recorded.

**VII. EXHIBITS**

- A. Applicant's submitted materials dated August 23, 2013
- B. Sherwood Community Center Exterior Materials and Colors board
- C. Tualatin Valley Fire & Rescue comments dated September 25, 2013
- D. E-mail from Rochelle Wasulla dated September 25, 2013
- E. City of Sherwood Engineering comments dated September 27, 2013
- F. Pride Disposal comments dated September 24, 2013

The prior notice of decision and application materials can be reviewed online at:

**<http://www.sherwoodoregon.gov/planning/project/sherwood-community-center>**

EXHIBIT A

1. APPLICATION MATERIALS FROM APPLICANT (IN BINDER)
2. FULL SIZE PLAN SET

ALL ITEMS MAY ALSO BE REVIEWED ELECTRONICALLY AT THE FOLLOWING  
WEB ADDRESS

<http://www.sherwoodoregon.gov/planning/project/sherwood-community-center-modification>

# SHERWOOD COMMUNITY CENTER

## Exterior Materials and Colors

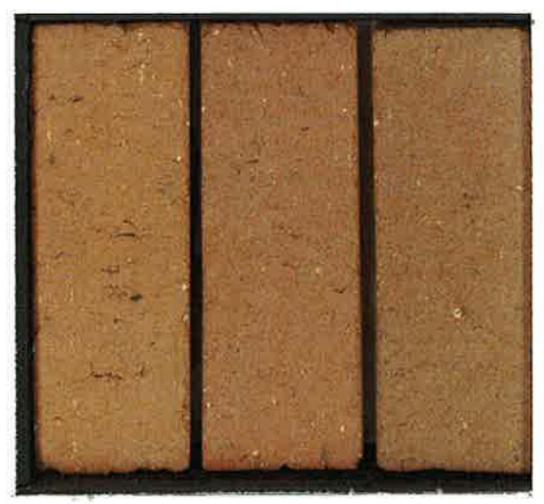
## ANKROM MOISAN

- Metal Trim
- Modified Cement Plaster
- Fabric Canopies over Metal Frame
- Brick Veneer
- Stone Base

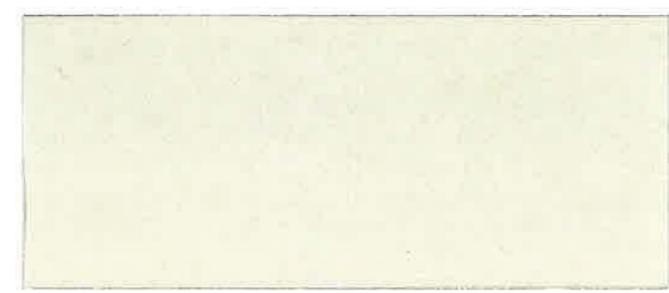


- Brick Veneer
- Metal Panels
- Painted Metal Canopy
- Clear Glass with Black Frames
- Ground Face Block

Other materials include: 1-Inch Clear Low E Insulated Glass with Black Aluminum Frames



Brick Veneer



Modified Cement Plaster



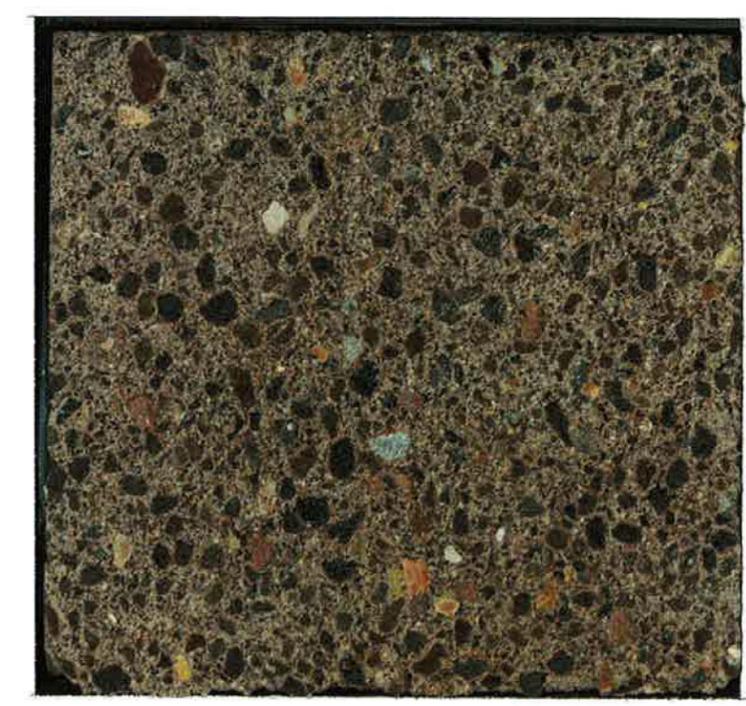
Metal Panels



Stone Base



Painted Trim, Metal and Fabric Canopies



Ground Face Block

EXHIBIT B



September 25, 2013

Brad Kilby  
22560 SW Pine St  
Sherwood OR 97140

**Re: SP 13-02 Sherwood Community Center**

Dear Brad,

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. Tualatin Valley Fire & Rescue endorses this proposal predicated on the following criteria and conditions of approval:

- 1) **DEAD END ROADS:** Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. (OFC 503.2.5)
- 2) **AERIAL FIRE APPARATUS ACCESS:** Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. (OFC D105)
- 3) **REMOTENESS:** Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. (OFC D104.3)
- 4) **FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS:** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet. (OFC D103.1)
- 5) **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)
- 6) **TURNING RADIUS:** The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & 103.3)
- 7) **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at approved intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background. (OFC 503.3)



fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet numbers. Numbers shall be a minimum of 4 inches high with a ½ inch stroke. (OFC 505.1)

- 20) **FIRE DEPARTMENT ACCESS TO EQUIPMENT:** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for HVAC, fire sprinklers risers and valves or other fire detection, suppression or control features shall be identified with approved signs. (OFC 509.1)

If you have questions or need further clarification, please feel free to contact me at 503-259-1504.

Sincerely,

*John Wolff*

John Wolff  
Deputy Fire Marshal

Copy: TVF&R File

**Bradley Kilby**

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**From:** wasular@aol.com  
**Sent:** Wednesday, September 25, 2013 8:26 AM  
**To:** Bradley Kilby  
**Subject:** Community Center

Brad,  
I have been following the news about the plans for the new community center. I have read more than once that "retractable telescoping seating" will be used in the space. I would just like to pass on some information about that type of seating. A few years back the Broadway Rose Theater in Tigard <http://www.broadwayrose.org/contact> built a new venue with that type of seating. I am sure it was thought to be a great idea, as it turns out the seating was so uncomfortable for its patrons they had to remove the news seats and have them replaced. I am sure this was not a small expense and caused much turmoil in the organization. I tell you this just so that whomever chooses the seating, probably the PM at Ankrom Moisan, should look into the lessons learned by Broadway Rose Theater so that the City of Sherwood can avoid the same costly mistake.

I am looking forward to this great addition to the Sherwood community.  
Rochelle Wasula  




Home of the Tualatin River National Wildlife Refuge

City of Sherwood  
22560 SW Pine St.  
Sherwood, OR 97140  
Tel 503-625-5522  
Fax 503-625-5524  
www.sherwoodoregon.gov

September 27, 2013

**Mayor**  
Bill Middleton  
**Council President**  
Linda Henderson

**Councilors**  
Dave Grant  
Robyn Folsom  
Bill Butterfield  
Matt Langer  
Krisanna Clark

**City Manager**  
Joseph Gall, ICMA-CM

**Assistant City Manager**  
Tom Pessemier, P.E.

**To:** Sherwood Planning Commission (via Sherwood Planning Department)  
**From:** Jason Waters, PE, Civil Engineer for the City of Sherwood  
**Re:** Request for Comments for SP 13-02/VAR 13-01 Sherwood Community Center and Railroad Parking Lot

**Comments:**

I reviewed comments submitted by the City Engineer on March 5, 2012 for the previous land-use approval of the Sherwood Community Center. No exceptions are taken to the previous comments and they are incorporated herein as Attachment #2. In addition, the following comments should be considered by the commission prior to approval:

**Public Infrastructure**

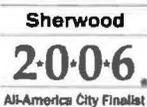
1. SW Pine Street
  - a. *Provide barricades and signage to inhibit vehicle access from SW Pine Street to the future west phase drive thru pad.* There are no physical barriers or signs to prevent access and damage to the sidewalk. Temporary access is no longer needed because the building has been demolished and streetscapes construction completed. Future west phase drive thru development will serve as the permanent barricade.
2. Washington Street (see Attachment #1)
  - a. *Construct full depth half-street improvements along all frontages, including the northwest one-quarter of the SW Washington St-SW Columbia St intersection.* This includes the railroad street parking lot, the west phase parking lot, and the Community Center frontage to SW Washington Street. This clarifies a previous condition of approval.
  - b. *Complete a 2" grind/overlay of the remaining pavement (curb-to-curb) from the railroad parking lot to the eastern most side of the SW Washington St-SW Columbia St intersection.* Although this is a condition recommended in addition to the previous approval, the application states that the site and building "will be maintained entirely by the Urban Renewal Agency and the City". Therefore and because the street will also be maintained by the City it would be in the public's best interest to have the streets paved from curb-to-



2009 Top Ten Selection



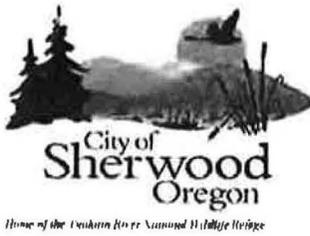
2013 5<sup>th</sup> Best Place to Live



**Discussion/Clarification** – the following items were noted as inconsistent in the application during review and may warrant further consideration or discussion by the commission:

- The storm facility in Tract E will likely be decommissioned after the regional storm water treatment facility is completed and brought online by the City in fall 2014. The long term land use in Tract E should be verified and considered as described in the application, and further clarified in the final decision if it is unclear that the tract shall remain a landscaped area not intended for public gathering.
- SMC 16.162.080.H.2 states “... The bottom of the windows must be no more than four (4) feet above the adjacent exterior grade.” Interior floor elevations are not mentioned.
- The application states, “the fact that the proposal is for a theater”. Applicant may want to clarify other intended activities (if any) as they relate to this development.
- Application refers to, “the East elevation as the rear loading area for the building” and, “the rear of the building will face west toward Washington Street.” Applicant may want to clarify which building sides are to be considered as rear building and direction of orientation. SW Washington Street runs east-west and faces either north or south.
- Application states, “A 6-foot tall, 2-sided cedar fence, trees and shrubs are proposed along the south property line separating the parking lot from residential areas.” Applicant may want to clarify what “south” means. Is it parallel to SW Washington Street or SW Columbia St. Both streets have residential homes on the other sides. Previous statements could lead to confusion of orientation, location and length.
- Application states, “the (existing storm water quality) swale is proposed to be reduced in size with this proposal and although will be functional, will not meet Clean Water Services standards. Instead storm water will be sent to and treated at the City-owned regional treatment facility west of the project near Columbia Street (west of SW Main Street).” Clarify the intent of reducing size of existing facility and to what minimum standard? City does not wish to expend funds on redundant facilities.
- Application states, “high levels of noise beyond what is expected in an urban area is not anticipated. Therefore, the proposed use will be within the required standards and there will be no adverse impacts.” Considering that the building has not yet been constructed, how will this be verified and confirmed prior to occupancy? Verification and confirmation by the applicant prior to occupancy may help the City with future complaints.
- Application states, “Both the Community Center Building and future West Phase Building will have exposure to the south and west for winter solar heat gain. Spacing between the West Phase and Community Center Building is provided to allow sunlight to reach the west and south end of the West Phase Building located to the north of the Community Center Building.” How will previously discussed window variance affect SMC 16.156, specifically no windows proposed on the east side of the building? How will kitchen, storage and staging areas be illuminated and heated. How will prevailing winds exit the building, through windows or vents?

**End of Land-Use Comments for SP 13-02/VAR 13-01**



ATTACHMENT # 2 TO  
ENGINEERING DEPARTMENT  
LAND-USE COMMENTS FOR  
SP 13-02/VAR 13-01  
SHERWOOD COMMUNITY CENTER

March 5, 2012

To: Planning Commission

From: Bob Galati PE, City Engineer 

Re: Sherwood Community Center & Railroad Parking Lot Upgrade  
SP 12-01, CUP 12-01, VAR 12-01, VAR 12-02  
Engineering Review Comments

### Project Description

The proposed project remodels the existing Machine Works Building and adjacent gravel parking lot area, into the Sherwood Community Center and associated paved parking lot. In addition, an existing gravel parking lot located west of Washington Street, and purchased by the City from the railroad company, is to be reconstructed into a paved parking lot.

The following comments are in relation to any proposed public infrastructure improvements, or impacts from private site development on existing public infrastructure.

### Street Impacts

The proposed development improvements front Pine, Washington, Columbia, and Main Streets. An analysis of each street impact is described below.

- **Pine Street:** The public improvements have been completed as part of the Cannery public infrastructure project and include the construction of concrete streets, sidewalks, tree wells, and street lighting fixtures. No additional improvements along Pine Street will be required other than to replace any existing infrastructure damaged during renovation of the building and constructing site improvements.
- **Columbia Street:** The public improvements along Columbia Street have been completed as part of the Cannery public infrastructure project and include the construction of AC street pavement, parking stalls, and sidewalks. Due to the zero lot line of the building, access to the building along this portion of Columbia Street will require removal and replacement of existing concrete sidewalk.



2009 Top Ten Selection



2007 16<sup>th</sup> Best Place to Live

Sherwood  
**2006**  
All-America City Finalist

The proposed railroad parking lot improvements includes vehicle access to an adjacent private property. This access must be granted through an easement from the City. The easement language must be provided to the City Attorney for review and to receive a recommendation of approval before the easement is granted.

**Site Conditions of Approval**

- ✓ 1. The Applicant will receive approval for only one parking lot configuration option. Multiple configuration options will not be approved.
- ✓ 2. Provide an access easement across the railroad parking lot for the benefit of the adjacent private property. Provide an easement document to the City for review and recommended approval by the City Attorney. The applicant shall record the document after all signatures have been obtained.

**Infrastructure Impacts**

The Applicant has received a Service Provider Letter (File No.12-000099) for the site development plan. The SPL indicates that no additional site assessment is required.

The storm drainage water quality facilities located west of and adjacent to the building, have been designed and constructed to provide surface water quality treatment for the public streets and plaza development areas constructed earlier, in addition to the Community Center and associated parking lot surface areas. A storm water report prepared by HHPR, dated February 1, 2012, shows conformance to CWS treatment standards.

The site has a public sanitary sewer lateral and potable water supply stub-out to the site. The public systems have the capacity to provide the necessary services to the site.

**Infrastructure Systems - Conditions of Approval**

- ✓ 1. The Applicant shall conform to the requirements of the Service Provider Letter issued by CWS, File No. 12-000099, dated January 18, 2012.

**Bradley Kilby**

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**From:** Kristin Leichner <kristinl@pridedisposal.com>  
**Sent:** Tuesday, September 24, 2013 1:19 PM  
**To:** Bradley Kilby  
**Subject:** RE: Sherwood Community Center

Great. Then we have no further comments. Thank you for following up.

Kristin Leichner  
Office Manager  
Pride Disposal Co.  
(503) 625-6177

---

**From:** Bradley Kilby [<mailto:KilbyB@SherwoodOregon.gov>]  
**Sent:** Tuesday, September 24, 2013 1:18 PM  
**To:** Kristin Leichner  
**Subject:** RE: Sherwood Community Center

Hi Kristin,

That's correct. The only thing that they're changing is the building itself. The overall site plan approved last year will remain the same.

Brad Kilby, AICP, Planning Manager  
22560 SW Pine Street  
Sherwood, Oregon 97140  
503-625-4206



Please consider the environment before printing this e-mail.

---

**From:** Kristin Leichner [<mailto:kristinl@pridedisposal.com>]  
**Sent:** Tuesday, September 24, 2013 12:43 PM  
**To:** Bradley Kilby  
**Subject:** RE: Sherwood Community Center

Brad,

I see that the site plan it shows the garbage enclosure and says: "Trash enclosure slab....are part of base project, not in Alternate #2.